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ARTICLE 10: JURISDICTION OVER STATUS

A. A court which is otherwise competent under the laws of this state has jurisdiction of the following actions or proceedings only under the following conditions:

(1) An adoption proceeding if the surrendering parent of the child, a prospective adoptive parent, the adoptive parent or parents, or any parent of the child has been domiciled in Louisiana for at least eight months, or if the child is in the custody of the Department of Children and Family Services.

(2) An emancipation proceeding if the minor is domiciled in this state.

(3) An interdiction proceeding brought pursuant to the provisions of the Louisiana Uniform Adult Guardianship Protective Proceedings Jurisdiction Act.

(4) A tutorship or curatorship proceeding if the minor, interdict, or absentee, as the case may be, is domiciled in this state or has property herein.

(5) A proceeding to obtain the legal custody of a minor if he is domiciled in, or is in, this state.

(6) An action to annul a marriage if one or both of the parties are domiciled in this state.

(7) An action of divorce, if, at the time of filing, one or both of the spouses are domiciled in this state.

(8) Unless otherwise provided by law, an action to establish parentage and support or to disavow parentage if the child is domiciled in or is in this state, and was either born in this state, born out of state while its mother was domiciled in this state, or acknowledged in this state. However, regardless of the location of the child or its place of birth, an action to disavow may be brought if the person seeking to disavow was domiciled in this state at the time of conception and birth and is presumed to be its parent under the laws of this state.


(9) A proceeding for support of an adult child with a disability, as provided in R.S. 9:315.22(E), if he is domiciled in, or is in, this state.

B. For purposes of Subparagraphs (6) and (7) of Paragraph A of this Article, if a spouse has established and maintained a residence in a parish of this state for a period of six months, there shall be a rebuttable presumption that he has a domicile in this state in the parish of such residence.

Amended by Acts 1968, No. 172, §1; Acts 1980, No. 764, §1; Acts 1990, No. 1009, §4, eff. Jan. 1, 1991; Acts 1999, No. 1243, §1, eff. Jan. 1, 2000; Acts 1999, No. 1263, §1, eff. Jan. 1, 2000; Acts 2001, No. 567, §2; Acts 2001, No. 1064, §1; Acts 2008, No. 351, eff. January 1, 2009, Act 2015, No 379, §1, eff. August 1, 2016; Acts 2016, No. 333, §2, eff. August 1, 2016.

ARTICLE 74.1: ACTION TO ESTABLISH OR DISAVOW FILIATION

An action to establish filiation and support of a child may be brought in the parish: (1) of the domicile of the child, (2) where conception occurred, (3) where either parent resided at the time of conception, (4) where an act of acknowledgement of the child occurred, or (5) where the birth of the child occurred.

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An action to disavow filiation may be brought in the parish of the child's birth, or where either parent resided at the time of that birth.

Added by Acts 1980, No. 764, §3. Amended by Acts 1981, No. 722, §1.

ARTICLE 74.2: CUSTODY PROCEEDINGS; SUPPORT; FORUM NON CONVENIENS

A. A proceeding to obtain the legal custody of a child or to establish an obligation of support may be brought in the parish where a party is domiciled or in the parish of the last matrimonial domicile.

B. A proceeding for change of custody may be brought in the parish where the person awarded custody is domiciled or in the parish where the custody decree was rendered. If the person awarded custody is no longer domiciled in the state, the proceeding for change of custody may be brought in the parish where the person seeking a change of custody is domiciled or in the parish where the custody decree was rendered.

C. A proceeding for modification of support may be brought in any of the following:

(1) The parish where the person awarded support is domiciled if the award has been registered in that parish pursuant to the provisions of Article 2785 et. seq., regardless of the provisions of Article 2786(A) relative to the domicile of the parties.

(2) The parish where the support award was rendered if it has not been registered and confirmed in another court of this state, pursuant to the provisions of Article 2785 et seq.

(3) The parish where the support award was last registered if registered in multiple courts of this state.

(4) Any of the following, if the person awarded support is no longer domiciled in the state:

(a) The parish where the other person is domiciled.

(b) The parish where the support award was rendered if not confirmed in another court of this state pursuant to Article 2785 et seq.


(c) The parish where the support order was last confirmed pursuant to the provisions of Article 2785 et seq.

D. A proceeding to register a child support, medical support, and income assignment order, or any such order issued by a court of this state for modification, may be brought in the parish where the person awarded support is domiciled.

E. For the convenience of the parties and the witnesses and in the interest of justice, a court, upon contradictory motion or upon its own motion after notice and hearing, may transfer the custody or support proceeding to another court where the proceeding might have been brought.

F. Notwithstanding any other provision of law, if after August 26, 2005, and before August 15, 2007, a party has changed his domicile within the state and the other party resided in another state prior to the hurricanes, the custody or support proceeding shall be transferred to the parish of the domicile, upon motion made prior to December 31, 2007.

Acts 1987, No. 417, §1; Acts 1997, No. 603, §1; Acts 2007, No. 99, §1; Acts 2010, No. 689, §1, eff. June 29, 2010, Act 2015, No. 379, §1, eff. August 1, 2016.

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ARTICLE 1701: PRELIMINARY DEFAULT

A. If a defendant in the principal or incidental demand fails to answer or file other pleadings within the time prescribed by law or by the court, a preliminary default may be entered against him. The preliminary default may be obtained by oral motion in open court or by written motion mailed to the court, either of which shall be entered in the minutes of the court, but the preliminary default shall consist merely of an entry in the minutes.

B. When a defendant in an action for divorce under Civil Code Article 103(1), by sworn affidavit, acknowledges receipt of a certified copy of the petition and waives formal citation, service of process, all legal delays, notice of trial, and appearance at trial, a preliminary default may be entered against the defendant the day on which the affidavit is filed. The affidavit of the defendant may be prepared or notarized by any notary public. The preliminary default may be obtained by oral motion in open court or by written motion mailed to the court, either of which shall be entered in the minutes of the court, but the preliminary default shall consist merely of an entry in the minutes. Notice of the entry of the preliminary default is not required.

Amended by Acts 1968, No. 126, §1; Acts 1982, No. 587, §1; Acts 1985, No. 481, §1, eff. July 12, 1985; Acts 1987, No. 181, §1; Acts 1990, No. 1009, §4, eff. Jan. 1, 1991; Acts 2001, No. 512, §1; Acts 2017, No. 419, §1.

ARTICLE 1702: CONFIRMATION OF PRELIMINARY DEFAULT

A. A preliminary default must be confirmed by proof of the demand sufficient to establish a prima facie case and that is admitted on the record prior to entry of a final default judgment. The court may permit documentary evidence to be filed in the record in any electronically stored format authorized by the local rules of the district court or approved by the clerk of the district court for receipt of evidence. If no answer or other pleading is filed timely, this confirmation may be made after two days, exclusive of holidays, from the entry of the preliminary default. When a preliminary default has been entered against a party that is in default after having made an appearance of record in the case, notice of the date of the entry of the preliminary default must be sent by certified mail by the party obtaining the judgment of default to counsel of record for the party in default, or if there is no counsel of record, to the party in default, at least seven days, exclusive of holidays, before confirmation of the preliminary default.

B. (1) When a demand is based upon a conventional obligation, affidavits and exhibits annexed thereto which contain facts sufficient to establish a prima facie case shall be admissible, self-authenticating, and sufficient proof of such demand. The court may, under the circumstances of the case, require additional evidence in the form of oral testimony before entering a final default judgment.

(2) When a demand is based upon a delictual obligation, the testimony of the plaintiff with corroborating evidence, which may be by affidavits and exhibits annexed thereto which contain facts sufficient to establish a prima facie case, shall be admissible, self-authenticating, and sufficient proof of such demand. The court may, under the circumstances of the case, require additional evidence in the form of oral testimony before entering a final default judgment.

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(3) When the sum due is on an open account or a promissory note or other negotiable instrument, an affidavit of the correctness thereof shall be prima facie proof. When the demand is based upon a promissory note or other negotiable instrument, no proof of any signature thereon shall be required.

C. In those proceedings in which the sum due is on an open account or a promissory note, other negotiable instrument, or other conventional obligation, or a deficiency judgment derived therefrom, including those proceedings in which one or more mortgages, pledges, or other security for the open account, promissory note, negotiable instrument, conventional obligation, or deficiency judgment derived therefrom is sought to be enforced, maintained, or recognized, or in which the amount sought is that authorized by R.S. 9:2782 for a check dishonored for nonsufficient funds, a hearing in open court shall not be required unless the judge, in his discretion, directs that such a hearing be held. The plaintiff shall submit to the court the proof required by law and the original and not less than one copy of the proposed final default judgment. The judge shall, within seventy-two hours of receipt of such submission from the clerk of court, sign the proposed final default judgment or direct that a hearing be held. The clerk of court shall certify that no answer or other pleading has been filed by the defendant. The minute clerk shall make an entry showing the dates of receipt of proof, review of the record, and rendition of the judgment. A certified copy of the signed judgment shall be sent to the plaintiff by the clerk of court, and notice of the signing of the final default judgment shall be given as provided in Article 1913.

D. When the demand is based upon a claim for a personal injury, a sworn narrative report of the treating physician or dentist may be offered in lieu of his testimony.


E. Notwithstanding any other provisions of law to the contrary, when the demand is for divorce under Civil Code Article 103(1) or (5), whether or not the demand contains a claim for relief incidental or ancillary thereto, a hearing in open court shall not be required unless the judge, in his discretion, directs that a hearing be held. The plaintiff shall submit to the court an affidavit specifically attesting to and testifying as to the truth of all of the factual allegations contained in the petition, and shall submit the original and not less than one copy of the proposed final judgment, and a certification which shall indicate the type of service made on the defendant, the date of service, the date a preliminary default was entered, and a certification by the clerk that the record was examined by the clerk, including the date of the examination, and a statement that no answer or other pleading has been filed. If the demand is for divorce under Civil Code Article 103(5), a certified copy of the protective order or injunction rendered after a contradictory hearing or consent decree shall also be submitted to the court. If no answer or other pleading has been filed by the defendant, the judge shall, after two days, exclusive of holidays, of entry of a preliminary default, review the affidavit, proposed final default judgment, and certification, render and sign the proposed final default judgment or direct that a hearing be held. The minutes shall reflect rendition and signing of the final default judgment.

Acts 1983, No. 266, §1, eff. Jan. 1, 1984; Acts 1986, No. 219, §1; Acts 1986, No. 285, §1; Acts 1986, No. 430, §1; Acts 1987, No. 182, §1; Acts 1987, No. 271, §1; Acts 1990, No. 1009, §4, eff. Jan. 1, 1991; Acts 1992, No. 292, §1; Acts 2001, No. 512, §1; Acts 2008, No. 354, §1, eff. June 21, 2008; Acts 2013, No. 78, § 1, eff. Aug. 1, 2013; Acts 2014, No. 791, §20; Acts 2015, No. 221, §2; Acts 2017, No. 419, §1.

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ARTICLE 1922: MONEY JUDGMENTS; JUDGMENT DEBTOR DATE OF BIRTH; SOCIAL SECURITY NUMBER

A. A final judgment for the payment of money shall include the date of birth of all parties against whom it is rendered, if the date of birth is known by the attorney preparing the judgment. However, the failure to include the date of birth of the judgment debtors shall not affect the validity of the judgment.

B. (1) A final judgment for the payment of money shall also include the last four digits of the social security number of the judgment debtors, if known by the attorney preparing the judgment. However, the failure to include such information shall not affect the validity of the judgment.

(2) A recorded lien having the effect of a money judgment shall also include the last four digits of the social security number of the debtor, or the Internal Revenue Service taxpayer identification number of the debtor in the case of a debtor doing business other than as an individual, if known by the attorney preparing the lien. However, the failure to include such information shall not affect the validity of the lien.

C. (1) The recorder shall not refuse to record a money judgment or lien which does not include the information required by Paragraph B of this Article. If any judgment or lien being recorded does not include the information required by this Article, the recorder shall be entitled to collect a fee not to exceed twenty-five dollars per debtor in addition to the applicable fee set forth in R.S. 13:841.

(2) The fee authorized by Subparagraph (1) of this Paragraph shall not apply if, at the time of recording the judgment, the creditor attaches to and records with the judgment an affidavit setting forth the information required by Paragraph B of this Article or by Civil Code Article 3352(A)(5).

(3) A person recording an affidavit of distinction pursuant to R.S. 9:5501 through 5503 shall not be required to pay a fee for recording the affidavit of distinction.

(4) The provisions of Subparagraph (3) of this Paragraph shall not apply to an affidavit of distinction recorded in order to distinguish the affiant from a debtor named in a judgment or lien which was recorded prior to July 1, 2012.

Acts 1995, No. 1295, §1; Acts 2003, No. 599, §1; Acts 2007, No. 11, §1, eff. June 18, 2007, Acts 2012, No. 20, §1, eff. July 1, 2012.

ARTICLE 1951: AMENDMENT OF JUDGMENT

A final judgment may be amended by the trial court at any time, with or without notice, on its own motion or on motion of any party:

(1) To alter the phraseology of the judgment, but not the substance; or

(2) To correct errors of calculation.


Acts 2013, No. 78, § 1, eff. Aug. 1, 2013

ARTICLE 2541: EXECUTION OF FOREIGN JUDGMENTS

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A. A party seeking recognition or execution by a Louisiana court of a judgment or decree of a court of the United States or a territory thereof, or of any other state, or of any foreign country may bring an ordinary proceeding against the judgment debtor in the proper Louisiana court, to have the judgment or decree recognized and made the judgment of the Louisiana court.

B. A duly authenticated copy of the judgment or decree must be annexed to the petition.

C. A judgment, decree, or order of a court of the United States or any other court that is entitled to full faith and credit in this state may also be enforced pursuant to R.S. 13:4241.

Acts 1985, No. 464, §2; Acts 2016, No. 132, §1.

ARTICLE 2591: PROCEEDINGS CONDUCTED WITH RAPIDITY

Summary proceedings are those which are conducted with rapidity, within the delays allowed by the court, and without citation and the observance of all the formalities required in ordinary proceedings.

ARTICLE 2592: USE OF SUMMARY PROCEEDINGS

Summary proceedings may be used for trial or disposition of the following matters only:

(1) An incidental question arising in the course of judicial proceedings, including the award of and the determination of reasonableness of attorney's fees.

(2) An application for a new trial.

(3) An issue which may be raised properly by an exception, contradictory motion, or rule to show cause.

(4) An action against the surety on a judicial bond after judgment has been obtained against the principal, or against both principal and surety when a summary proceeding against the principal is permitted.

(5) The homologation of a judicial partition, of a tableau of distribution or account filed by a legal representative, or of a report submitted by an auditor, accountant, or other expert appointed by the court; and an opposition to any of the foregoing, to the appointment of a legal representative, or to a petition for authority filed by a legal representative.

(6) A habeas corpus, mandamus, or quo warranto proceeding.

(7) The determination of the rank of mortgages, liens and privileges on property sold judicially, and of the order of distribution of the proceeds thereof.

(8) The original granting of, subsequent change in, or termination of custody, visitation, and support for a child; support for a spouse; injunctive relief; support between ascendants and descendants; use and occupancy of the family home or use of community movables or immovables; or use of personal property.

(9) An action to annul a probated testament under Article 2931.

(10) An action to enforce the right to a written accounting provided for in R.S. 9:2776.


(11) All other matters in which the law permits summary proceedings to be used.

Amended by Acts 1964, No. 4, §1; Acts 1974, No. 130, §1; Acts 1976, No. 321, §1; Acts 1984, No. 90, §1; Acts 1986, No. 116, §1; Acts 1987, No. 565, §2; Acts 1988, No. 817, §3, eff. July 18,

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1988; Acts 1989, No. 118, §1; Acts 1990, No. 1008, §4, eff. Jan. 1, 1991; Acts 1990, No. 1009, §4, eff. Jan. 1, 1991; Acts 1992, No. 688, §1, eff. July 6, 1992, Act 2015, No. 379, §1, eff. August 1, 2016.

ARTICLE 2593: PLEADINGS

A summary proceeding may be commenced by the filing of a contradictory motion or by a rule to show cause, except as otherwise provided by law.

Exceptions to a contradictory motion, rule to show cause, opposition, or petition in a summary proceeding shall be filed prior to the time assigned for, and shall be disposed of on, the trial. An answer is not required, except as otherwise provided by law.

No responsive pleadings to an exception are permitted.

Acts 2010, No. 861, §1A.

ARTICLE 2594: SERVICE OF PROCESS

Citation and service thereof are not necessary in a summary proceeding. A copy of the contradictory motion, rule to show cause, or other pleading filed by the plaintiff in the proceeding, and of any order of court assigning the date and hour of the trial thereof, shall be served upon the defendant.

ARTICLE 2595: TRIAL; DECISION

Upon reasonable notice a summary proceeding may be tried in open court or in chambers, in term or in vacation; and shall be tried by preference over ordinary proceedings, and without a jury, except as otherwise provided by law.

The court shall render its decision as soon as practicable after the conclusion of the trial of a summary proceeding and, whenever practicable, without taking the matter under advisement.

ARTICLE 2596: RULES OF ORDINARY PROCEEDINGS APPLICABLE; EXCEPTIONS


The rules governing ordinary proceedings are applicable to summary proceedings, except as otherwise provided by law.

ARTICLE 2785: DEFINITIONS

For purposes of this Section:

(1) "Confirmed registered support order" means a support order registered pursuant to the provisions of Article 2786 and subsequently confirmed by a registering court or operation of law pursuant to the provisions of Article 2788(A)(2) or (B) or Article 2793(A)(2), (A)(3), or (B).

(2) "Rendering court" means the district or, if applicable, family or juvenile court which rendered the support order.

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(3) "Registering court" means the district or, if applicable, family or juvenile court in which a support obligation rendered by another court of this state has been filed.

(4) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney fees, and other relief.

(5) "Party to a support order" means the obligee of a support order, or the state of Louisiana, Department of Children and Family Services, or similar agency of another jurisdiction or state when supplying support services as defined in or substantially similar to R.S. 46:236.1(A)(7)¹, or under the Uniform Interstate Family Support Act (UIFSA), or in performance of its official duties under Title IV, Subchapter D of the Social Security Act as stated in 45 C.F.R. 301.1.

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

¹H.B. 1145, 1999 R.S., introduced to enact R.S. 46:236.1(A)(7), did not pass.

ARTICLE 2786: REGISTRATION OF SUPPORT ORDERS FOR MODIFICATION

A. A support order rendered by a court of this state may be registered for modification in another court of this state if all parties to the order are no longer domiciled in the parish of the rendering court.

B. A party to a support order seeking to register the support order pursuant to the provisions of this Subsection shall transmit to the clerk of the registering court all of the following:

(1) A certified copy of the support order.

(2) A verified statement of support or a federally approved URESA or UIFSA form, signed by a party to the support order, indicating all of the following:

(a) The name and street address of the obligee.

(b) The name, last known place of residence, and post office or street address of the obligor.

(c) A list of all the jurisdictions in which the order is registered.


C. Upon receipt of these documents, the clerk of court shall:

(1) Treat the documents as if they were a petition seeking relief relative to a family law matter by assigning a docket number and, if applicable, designate a division to which the matter is allotted.

(2) Register the support order by stamping or making a notation thereof on the certified copy of the support order in substantially the following form: "REGISTERED FOR MODIFICATION by the Clerk of the [District, Family, or Juvenile] Court in and for the Parish of [name of parish] on [date]."

(3) (a) Send a copy of the registered support order, by certified or registered mail, to the obligor at the address provided in the verified statement of support, or

(b) Issue service of process as permitted by law and notice of registration in lieu of citation, which shall be served by ordinary process.

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(4) Issue notice of the registration to the rendering court or, if the support order has been previously registered and confirmed for modification in another court of this state, to the last registering court.

D. The filing of a support order in compliance with the provisions hereof constitutes registration of the support order for modification, and if subsequently confirmed, shall divest the rendering court, or if registered in another court for modification, the court of last registration, of jurisdiction to modify the support order.

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

ARTICLE 2787: OBJECTIONS TO REGISTRATION OF SUPPORT ORDER FOR MODIFICATION

An objection for any purpose to the registration of the support order must be filed by the obligor with the registering court within twenty days from the date of mailing of the notice required in Article 2786(C)(3) (a), or within twenty days from the date of service required in Article 2786(C)(3)(b).

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

ARTICLE 2788: CONFIRMATION OF REGISTERED SUPPORT ORDER FOR MODIFICATION

A. If the obligor files a timely objection and, after a hearing, the court finds:

(1) There exists a legitimate basis for objecting to the registration, the court shall issue an order vacating the registration of the support order.

(2) There exists no legitimate basis for objecting to the registration, the court shall issue an order confirming the registration of the support order.

B. If the obligor fails to file a timely objection, the registered support order is confirmed by operation of law and becomes executory in all respects.


Added by Acts 1997, No. 603, §2.

ARTICLE 2789: CONFIRMED REGISTERED SUPPORT ORDER FOR MODIFICATION; EFFECT

A. Upon confirming the registration of the support order, the registering court shall have continuing jurisdiction to modify the support order.

B. The clerk of the registering court shall issue notice of the confirmation to the rendering court or, if the support order has been previously registered and confirmed for modification in another court of this state, to the last registering court. Upon receipt of the notice, the rendering court or, if applicable, the last registering court shall cause the notice to be filed in the proceedings in which the support order was rendered or registered and that court shall be divested of jurisdiction to modify the support order retroactively to the original notice of registration filed therein unless it is subsequently registered therein for modification.

C. When confirmed, the registered support order shall be treated in the same manner and have the same effect as a support order issued by the registering court. Additionally, the confirmed registered support order is subject to the same procedures, defenses, and proceedings for modifying,

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vacating, or staying as a support order of the rendering court, and may be enforced and satisfied in a like manner.

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

ARTICLE 2790: CONFIRMED REGISTERED SUPPORT ORDER; ENFORCEMENT

A. At a hearing to enforce a confirmed registered support order, the obligor may present only matters that would be available to him as defenses in an action to enforce the support order in the rendering court. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal has been concluded, the time for appeal has expired, or the stay order has been vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering court. If he shows to the court any ground upon which enforcement of the confirmed registered support order may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the security for payment of the support ordered that is required by law.

B. Arrearages which accrue prior to registration of a support order shall not be modified unless there is a pending petition for modification at the time of registration of the support order. Any such modification shall be retroactive only to the date of filing of the petition for modification.

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

ARTICLE 2791: REGISTRATION OF SUPPORT ORDERS FOR ENFORCEMENT ONLY

A. A support order rendered by a court of this state may be registered for enforcement in another court of this state.

B. An obligee of a support order seeking to register a support order pursuant to the provisions of this Paragraph shall transmit to the clerk of the registering court all of the following:

(1) A certified copy of the support order.

(2) A verified statement of support or a federally approved URESA or UIFSA form, signed by a party to the support order, indicating all of the following:

(a) The name and street address of the obligee.

(b) The name, last known place of residence, and post office or street address of the obligor.

(c) The total amount of arrearages owed pursuant to the support order which have not been reduced to a judgment.

(d) A list of all the jurisdictions in which the order is registered.

C. Upon receipt of these documents, the clerk of court shall:


(1) Treat the documents as if they were a petition seeking relief relative to a family law matter by assigning a docket number and, if applicable, designate a division to which the matter is allotted.

(2) Register the support order by stamping or making a notation thereof on the certified copy of the support order in substantially the following form: "REGISTERED FOR

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ENFORCEMENT by the Clerk of the [District, Family, or Juvenile] Court in and for the Parish of [name of parish] on [date]."

(3) (a) Send a copy of the registered support order and verified statement of support, by certified or registered mail, to the obligor at the addresses provided in the verified statement of support, or

(b) Issue service of process as permitted by law and notice of registration in lieu of citation, which shall be served by ordinary process.

D. The filing of a support order in compliance with the provisions hereof constitutes registration of the support order for enforcement.

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

ARTICLE 2792: OBJECTIONS TO REGISTRATION OF SUPPORT ORDER FOR ENFORCEMENT

An objection for any purpose to the registration of the support order must be filed by the obligor with the registering court within twenty days from the date of mailing of the notice required in Article 2791(C)(3)(a), or within twenty days from the date of service required in Article 2791(C)(3)(b).

Added by Acts 1997, No. 603, §2; Acts 1999, No. 210, §1.

ARTICLE 2793: CONFIRMATION OF REGISTERED SUPPORT ORDER FOR ENFORCEMENT

A. If the obligor files a timely objection and, after a hearing, the court finds:

(1) There exists a legitimate basis for objecting to the registration, other than the amount of arrearages alleged to be owed, the court shall issue an order vacating the registration of the support order for enforcement.

(2) There exists no legitimate basis for objecting to the registration, other than the amount of arrearages alleged to be owed, the court shall issue an order confirming the registration of the support order for enforcement.


(3) There exists no legitimate basis for objecting to the registration and there is no dispute as to the amount of arrearages owed as stated in the verified statement of support, the court shall issue an order confirming the registration of the support order for enforcement and render a judgment making the arrearages executory.

B. If the obligor fails to file a timely objection, the registered support order is confirmed by operation of law and the amount of arrearages alleged to be owed in the verified statement of support becomes executory in all respects.

Added by Acts 1997, No. 603, §2.

ARTICLE 2794: CONFIRMED REGISTERED SUPPORT ORDER; ENFORCEMENT

A. When confirmed, the registered support order shall be enforced in the same manner as a support order issued by the registering court. It is subject to the same procedures, defenses, and proceedings for enforcing or staying as a support order of the rendering court.

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B. At a hearing to enforce a confirmed registered support order for enforcement, the obligor may present matters that would be available to him as defenses in an action to enforce the support order in the rendering court. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal has been concluded, the time for appeal has expired, or the stay order has been vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering court. If he shows to the court any ground upon which enforcement of the confirmed registered support order may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the security for payment of the support ordered that is required by law.

Added by Acts 1997, No. 603, §2.

ARTICLE 2795: JOINDER OF ACTIONS

Nothing herein shall be construed as prohibiting a party from asserting multiple remedies hereunder nor requesting additional proceedings for enforcement or modification of the support order at the time of the filing of the order for registration.

Acts 1999, No. 210, §1.

ARTICLE 3601: INJUNCTION, GROUNDS FOR ISSUANCE; PRELIMINARY INJUNCTION; TEMPORARY RESTRAINING ORDER

A. An injunction shall be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law; provided, however, that no court shall have jurisdiction to issue, or cause to be issued, any temporary restraining order, preliminary injunction, or permanent injunction against any state department, board, or agency, or any officer, administrator, or head thereof, or any officer of the state of Louisiana in any suit involving the expenditure of public funds under any statute or law of this state to compel the expenditure of state funds when the director of such department, board, or agency or the governor shall certify that the expenditure of such funds would have the effect of creating a deficit in the funds of said agency or be in violation of the requirements placed upon the expenditure of such funds by the legislature.

B. No court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Children and Family Services is providing services, except for good cause shown by written reasons made a part of the record.

C. During the pendency of an action for an injunction the court may issue a temporary restraining order, a preliminary injunction, or both, except in cases where prohibited, in accordance with the provisions of this Chapter.


D. Except as otherwise provided by law, an application for injunctive relief shall be by petition.

E. The irreparable injury, loss, or damage enumerated in Paragraph A of this Article may result from the isolation of an individual over the age of eighteen years by any other individual,

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curator, or mandatary, including but not limited to violations of Civil Code Article 2995 or Code of Civil Procedure Article 4566(J).

Amended by Acts 1969, No. 34, §2; Acts 2004, No. 765, §1, eff. July 6, 2004; Acts 2016, No. 110, §2, eff. May 19, 2016.

ARTICLE 3603: TEMPORARY RESTRAINING ORDER; AFFIDAVIT OF IRREPARABLE INJURY AND NOTIFICATION EFFORTS

A. A temporary restraining order shall be granted without notice when:

(1) It clearly appears from specific facts shown by a verified petition or by supporting affidavit that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and

(2) The applicant's attorney certifies to the court in writing the efforts which have been made to give the notice or the reasons supporting his claim that notice should not be required.

B. The verification or the affidavit may be made by the plaintiff, or by his counsel, or by his agent.

C. No court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Children and Family Services is providing services, except for good cause shown by written reasons made a part of the record.

Acts 1997, No. 1156, §2; Acts 1999, No. 1200, §4, Acts 2001, No. 430, §1; Acts 2003, No. 750, §1; Acts 2004, No. 502, §1.

ARTICLE 3942: APPEAL FROM JUDGMENT GRANTING OR REFUSING ANNULMENT OR DIVORCE

A. An appeal from a judgment granting or refusing an annulment of marriage or a divorce can be taken only within thirty days from the applicable date provided in Article 2087(A)(1)-(3).

B. Such an appeal shall suspend the execution of the judgment insofar as the judgment relates to the annulment, divorce, or any partition of community property or settlement of claims arising from the matrimonial regime.


Acts 1986, No. 225, §2; Acts 1990, No. 1009, §4, eff. Jan. 1, 1991.

{{NOTE: SEE ACTS 1986, NO. 225, §5.}}

ARTICLE 3943: APPEAL FROM JUDGMENT AWARDING CUSTODY, VISITATION, OR SUPPORT

An appeal from a judgment awarding custody, visitation, or support of a person can be taken only within the delay provided in Article 3942. Such an appeal shall not suspend execution of the judgment insofar as the judgment relates to custody, visitation, or support.

Acts 1993, No. 261, §3, eff. Jan. 1, 1994.

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ARTICLE 3946: EXECUTION OF SUPPORT AND CLAIMS FOR CONTRIBUTIONS AWARDS IN ARREARS

A. When a payment of support under a judgment is in arrears, the party entitled thereto may proceed by contradictory motion to have the amount of past due support determined and made executory. On the trial of the contradictory motion, the court shall render judgment for the amount of past due support.

B. The same rules and procedures apply when an installment payment of an award for contributions made to a spouse's education or training is in arrears.

Acts 1995, No. 1204, §1.