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

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

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

_____ DOCKET NUMBER: _____
Petitioner

versus

_____ PARISH OF _____
Defendant

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
4. Preliminary default entered: _____ Date PD Entered
   By Oral/Written Motion (*Circle one*)
5. Have two days, exclusive of holidays, elapsed since the entry of preliminary default, with no answer or other opposition having been filed? __ Yes

B. Pleadings

1. Is the Petition for Divorce in the record? __ Yes
2. Are proper jurisdiction and venue expressly alleged in the Petition? __ Yes
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
4. If the defendant has made an appearance in the case, was notice of the preliminary default sent to defendant by certified mail pursuant to La. C.C.P. Art. 1702(A) or is there a filed waiver of the notice by the defendant? __ Yes; or __ Yes (Waiver)
5. Are the original and at least one copy of the proposed final Judgment attached? __ Yes

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

1. The parties have minor children, and have been living separate and apart **365 days or more** without reconciliation. __ Yes
   OR
2. The parties have no minor children and have been living separate and apart **180 days or more** without reconciliation. __ Yes
   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

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

Two days, exclusive of holidays, have elapsed since the preliminary default was entered and no answer or opposition has been filed.

_____ _____
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