

APPENDIX 27.0A: LA. C.C. ART. 102 DIVORCE CHECKLIST

LOUISIANA CIVIL CODE ARTICLE 102 DIVORCE
Certification of Eligibility for Divorce

Notice: Must be completed by Mover or their Attorney and filed on or before the Rule date is scheduled for hearing.

Petitioner
versus

DOCKET NUMBER: _____

Defendant

PARISH OF _____

A. Dates

1. Petition for Divorce:

2. Parties physically separated:

3. Date Petition served/waiver executed:

4. Rule for Divorce:

5. Date Rule served/waiver executed:
- _____

- Date Petition Filed

Date of Separation

Date of Service/ Waiver

Date Rule Filed

Date of Service/Waiver

B. Time Periods

(Choose either #6 or #7)

6. The parties have minor children, and have been living separate and apart
365 days or more without reconciliation prior to the filing of the rule.

☐ Yes
- OR

7. The parties have no minor children, and have been living separate and apart
180 days or more without reconciliation prior to the filing of the rule.

☐ Yes

C. Petition (La. C.C.P. Art. 3951)

8. Is the petition in the record?

☐ Yes
9. Are proper jurisdiction and venue expressly alleged in the Petition?

☐ Yes
10. Is the Petition verified by the petitioner?

☐ Yes
11. Were the parties living separate and apart at the time of filing, or
was the defendant personally served with the Petition and Citation?

☐ Yes
12. Is the Sheriff’s return in the record showing service?

☐ Yes
13. Is the waiver of service in the record?

☐ Yes

D. Rule to Show Cause (La. C.C.P. Art. 3952)

14. Is the Rule in the record?

☐ Yes
15. Date the Rule was filed?

☐ Yes
16. Does the Rule allege:

a. Proper service of the Petition or waiver of service and notice of the Petition?

☐ Yes

b. 180/365 days or more have elapsed since service or execution of
a written waiver of service and notice of the Petition?

☐ Yes

c. The parties have lived separate and apart continuously for 180/365 days
prior to filing of the Rule?

☐ Yes

d. That Notice was issued pursuant to La. R.S. 13:3491?

☐ Yes
17. Is the Rule verified by the Affidavit of the Petitioner?

☐ Yes
18. Was the Rule filed within 2 years of the service of the Petition or execution
of the written waiver of service of the Petition?

☐ Yes
19. Is the Sheriff’s return showing service or the waiver of service in the record?

☐ Yes

E. Affidavit of Mover (La. C.C.P. Art. 3956(5)) or Testimony

20. Does the record contain the Affidavit of the mover executed after the Rule was filed, or does
the testimony specifically establish that:

a. The parties have lived separate and apart continuously for at least
180/365 days prior to the filing of the Rule?

☐ Yes

b. The parties are living apart at the time of the execution of the Affidavit?

☐ Yes

c. The mover desires to be divorced?

☐ Yes
21. Was affidavit executed after Rule was filed or was testimony offered at hearing?

☐ Yes

MOVER’S/ATTORNEY’S CERTIFICATION

I hereby certify that I have examined the record 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

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 102 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