

**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

\_\_\_\_\_  
Defendant

DOCKET NUMBER: \_\_\_\_\_

PARISH OF \_\_\_\_\_

**A. Dates**

- |  |       |                         |
|--|-------|-------------------------|
| 1. Petition for Divorce:                 | _____ | Date Petition Filed     |
| 2. Parties physically separated:         | _____ | Date of Separation      |
| 3. Date Petition served/waiver executed: | _____ | Date of Service/ Waiver |
| 4. Rule for Divorce:                     | _____ | Date Rule Filed         |
| 5. Date Rule served/waiver executed:     | _____ | 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  No
- 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  No

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

8. Is the petition in the record?  Yes  No
9. Are proper jurisdiction and venue expressly alleged in the Petition?  Yes  No
10. Is the Petition verified by the petitioner?  Yes  No
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  No
12. Is the Sheriff's return in the record showing service?  Yes  No
13. Is the waiver of service in the record?  Yes  No

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

14. Is the Rule in the record?  Yes  No
15. Date the Rule was filed?  Yes  No
16. Does the Rule allege:
- a. Proper service of the Petition or waiver of service and notice of the Petition?  Yes  No
  - b. 180/365 days or more have elapsed since service or execution of a written waiver of service and notice of the Petition?  Yes  No
  - c. The parties have lived separate and apart continuously for 180/365 days prior to filing of the Rule?  Yes  No
17. Is the Rule verified by the Affidavit of the Petitioner?  Yes  No
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  No
19. Is the Sheriff's return showing service or the waiver of service in the record?  Yes  No
- OR
20. If service of the rule and order was by registered or certified mail, by actual delivery by a commercial carrier with a signed receipt from the addressee, or by e-mail to the e-mail address designated by counsel or the party with the sender receiving an electronic confirmation of delivery, did the party or counsel file a certificate of the manner in which the service was made into the record in accordance with La. C.C.P. Art. 1313(B) & (C)?  Yes  No

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

21. 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  No
  - b. The parties are living apart at the time of the execution of the Affidavit?  Yes  No
  - c. The mover desires to be divorced?  Yes  No
22. Was affidavit executed after Rule was filed or was testimony offered at hearing?  Yes  No

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**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