
(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

DEFENDANT(S)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

**RULE TO ESTABLISH CUSTODY WITH
REQUEST FOR EMERGENCY CUSTODY BY NON-PARENT**

[Initial and complete the following information. If there are no initials or information is not provided, the court may not grant you relief.]

NOW INTO COURT, comes _____, a person of the full age of majority and domiciled in the Parish/County of _____, State of _____ who respectfully represents:

1.

Made Defendant in this Rule are:

a. Mother, _____, a person of the full age of majority and domiciled in the Parish/County of _____, State of _____;

b. Father, _____, a person of the full age of majority and domiciled in the Parish/County of _____, State of _____;

c. _____, a person of the full age of majority and domiciled in the Parish/County of _____, State of _____.

2.

Custody of the following minor child(ren) is at issue:

_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)

[Attach a copy of each child's birth certificate]

3.

Mover is related to the minor child(ren) as follows: (describe relationship)

4.

Defendant(s) are related to the minor child(ren) as follows: (describe relationship of each named Defendant(s))

5.

This court has jurisdiction over this matter because the minor child(ren) is either:

Domiciled in the State of Louisiana;

OR

Physically located in the State of Louisiana.

6.

This court is a court of proper venue for this Rule because either:

One of the parties is domiciled in this Parish;

OR

This is the parish of the last matrimonial domicile.

7.

Mover should be granted custody of the minor child(ren) at issue because an award of joint custody or of sole custody to either parent would result in substantial harm to the child(ren) **AND** either:

[Initial ONE of the following paragraphs]

_____ The minor child(ren) has been living with Mover in a wholesome stable environment for a period of time;

OR

_____ Mover is able to provide an adequate and stable environment for the minor child(ren).

Describe the facts upon which you rely:

8.

Mover believes it is in the best interest of the child(ren) that Mover be awarded sole custody of the child(ren) subject to one of the following visitation plans for the Defendant:

[Initial only ONE of the following and provide a description as requested]

_____ Mover requests that the Defendant be awarded reasonable visitation as follows:

_____ Mover requests that the Defendant be awarded supervised visitation as follows:

_____ Mover requests that the Defendant not be awarded any visitation, for the following reasons:

9.

Mover asks this court grant emergency and immediate custody of the minor child(ren) before a hearing can be held in accordance with Louisiana Code of Civil Procedure Article 3945 for the following reasons and by signing this Rule certifies that Mover has proof that immediate and irreparable injury will result to the minor child(ren) before a hearing can be held. *By signing this pleading, the Mover acknowledges that if at a hearing it is proven that the minor child(ren) were not in danger of immediate and irreparable injury, that Mover may be sanctioned by the court:*

10.

_____ Mover certifies that defendant was given notice of this request for emergency and immediately custody of the minor child(ren) on the _____ day of _____, 20____ at _____ o'clock __.m. of Mover's intention to present this request.

_____ Mover notified defendant in the following manner: (whether via personal contact, email, voice mail, etc.) and the contact information used (*i.e.* telephone number, email address, etc.):

[Note that if this paragraph is not completed, the court will NOT consider your request for emergency and immediate custody of the minor child(ren).]

_____ Mover has completed the attached Affidavit which is properly notarized.

11.

[Initial only ONE of the paragraphs below]

_____ Mover acknowledges that he/she has the right to seek child support by contacting the Louisiana Child Support Enforcement Agency.

OR

_____ Mover requests that Defendant be ordered to pay child support because Defendant(s) has income or is capable of earning sufficient money to contribute to the support of the minor child(ren) and asks the Court to order the Defendant to pay child support.

OR

_____ No child support is requested.

12.

Other relief requested by Mover *[include a brief factual statement]*:

13.

Mover requests:

[Initial ONE of the following paragraphs below:]

_____ Each party pay their own costs.

_____ Defendant be cast with all costs for the following reason(s):

WHEREFORE, Mover prays that:

1. Defendant be served with a certified copy of this Rule.
2. Mover be granted temporary sole custody of the minor child(ren) pending a hearing.
3. A Rule to Show Cause issue herein ordering the Defendant to appear and show cause on a date and time to be fixed by this Court why a judgment of custody and child support (if requested) should not be awarded as requested herein and any other relief requested by Mover herein.

By signing below, I do hereby certify that all of the foregoing is true and correct to the best of my knowledge and understand that any false statements may constitute perjury and may subject me to being held in contempt of court.

Initials of Mover

Respectfully submitted,

(SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

(FACSIMILE NUMBER)

(EMAIL ADDRESS)

(PETITIONER)

VERSUS

DEFENDANT(S)

Filed: _____

NO: _____ **DIV.** _____

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

Deputy Clerk

VERIFICATION

STATE OF _____ [State where signed and notarized]

PARISH/COUNTY OF _____ [Parish/County where signed and notarized]

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this State and Parish, personally appeared:

PRINTED NAME

who after being duly sworn, did depose and state that he/she is the Mover in the above and foregoing numbered and entitled cause, has read the same, and that all of the allegations contained therein are true and correct to the best of Mover's knowledge, information, and belief.

SIGNATURE

SWORN TO AND SUBSCRIBED

before me, on this ____ day of _____, 20__.

NOTARY PUBLIC, No.: _____

Printed Name: _____

My Commission Expires: _____

Seal:

APPENDIX 29.0A: APPLICATION FOR EX PARTE TEMPORARY CUSTODY ORDER
AFFIDAVIT OF MOVER IN COMPLIANCE WITH LA-C.C.P. ART. 3945(B)

APPLICATION FOR EX PARTE TEMPORARY CUSTODY ORDER
Affidavit of Mover In Compliance With La. C.C.P. Art. 3945B

Petitioner
Versus

DOCKET NUMBER: _____

Respondent
PARISH OF _____
STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, this ____ day of _____, 20____, personally came and appeared _____ who, after being duly sworn, did depose as follows:

I have read the allegation of the petition/motion and they are true and accurate to the best of my knowledge, information and belief.

Immediate and irreparable injury will result to the child or children named in the attached petition/motion before the defendant/respondent herein or his/her attorney can be heard in opposition because of the following SPECIFIC FACTS:

(Attach supplemental pages, if necessary)

Signed by _____ (Petitioner)

SWORN TO AND SUBSCRIBED before me, Notary Public, on this ____ day of _____, 20____, at _____, Louisiana.

Signed by Notary Public
Printed Name: _____
Bar/ID No.: _____

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

DEFENDANT(S)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

ORDER

Considering the above and foregoing Rule to Establish Custody and Request for Emergency Custody by Non-Parent:

IT IS HEREBY ORDERED that Mover, _____, is granted emergency *ex parte* custody of the following minor child(ren) pending further order of this Court:

_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)

IT IS HEREBY FURTHER ORDERED that the _____ Sheriff's Office/Police Department is authorized and directed to immediately transfer physical custody of the above identified minor child(ren) to Mover _____.

IT IS HEREBY FURTHER ORDERED that Defendant-in-Rule, _____ is granted visitation with the minor child(ren) pending further order of this Court as follow:

IT IS HEREBY FURTHER ORDERED that a rule *nisi* issue herein ordering the Defendant to show cause on the _____ day of _____, 20__ at _____ o'clock __.m. why Defendant should not be awarded the custody or visitation of the child which hearing shall be held not more than thirty (30) days after the signing of this *ex parte* order of temporary custody.

IT IS HEREBY FURTHER ORDERED that the Defendant(s), _____, show cause on the _____ day of _____, 20__, at _____ o'clock __.m. before the Hearing Officer and on the _____ day of _____, 20__, at _____ o'clock __.m. before the Judge why the following relief sought in the Rule should not be granted as prayed for.

Signed in Covington/Franklinton, Louisiana, this ___ day of _____, 20__.

JUDGE

DEFENDANT TO ACCEPT SERVICE [SEE ATTACHED FORM]

OR

PLEASE SERVE:

(DEFENDANT'S FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(DEFENDANT'S PHONE NUMBER)