

APPENDIX 28.1C AND 28.2A: LA. C.C.P. ART. 1702(F) DIVORCE CHECKLIST

**LOUISIANA CIVIL CODE ARTICLE 103(1) OR ARTICLE 103(5) DIVORCE
Certification for Default Judgment under Louisiana Code of Civil Procedure Articles 1702(F)/969
FOR ATTORNEYS**

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

Petitioner
versus

Defendant

DOCKET NUMBER: _____

PARISH OF _____

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. Have two days, exclusive of holidays, elapsed since the filing of the waiver? Yes

B. Pleadings

- Is the Petition for Divorce in the record? Yes
- Are proper jurisdiction and venue expressly alleged in the Petition? Yes

- CCP 1702 ONLY

- 1. 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 N/A
- 2. If the defendant has made an appearance in the case or an attorney contacted petitioner/petitioner's attorney in writing, was notice of the intent to seek a default judgment sent to defendant by certified mail pursuant to La. C.C.P. Art. 1702(A) and 7 days have passed? Yes N/A
- 3. Are the original and at least one copy of the proposed final Judgment attached? Yes N/A

- CCP 969 ONLY

- 1. Are both parties represented by counsel? Yes N/A
- 2. Has an answer been filed? Yes N/A
- 3. Has a joint stipulation of facts, request for judgment and sworn verification by each party been filed? Yes N/A
- 4. Has a proposed judgment been filed with a certification that counsel and each party agree to the terms thereof? Yes N/A

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

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

I have examined the record and no answer or other pleading has been filed.

Date

Signature of Minute Clerk