

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**2007 CU 0113**

**MARY LEBLANC NAQUIN**

**VERSUS**

**DANIEL JOSEPH NAQUIN**

**Judgment Rendered: June 8, 2007**

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On Appeal from the Thirty-Second Judicial District Court  
In and For the Parish of Terrebonne  
State of Louisiana  
Docket No. 144,587

Honorable John R. Walker, Judge Presiding

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Craig H. Stewart  
Houma, LA

Counsel for Plaintiff-in-Rule/Appellee  
Daniel Joseph Naquin

Bernard R. Levy  
Houma, LA  
and  
Paul A. Lapeyrouse  
Chauvin, LA

Counsel for Defendant-in-Rule/Appellant  
Mary LeBlanc Naquin

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**BEFORE: PARRO, GUIDRY, AND McCLENDON, JJ.**

Handwritten initials and signatures on the left side of the page. The initials 'JMC' are at the top, followed by a signature that appears to be 'D. Joseph Naquin', and 'RHB' at the bottom.

**McCLENDON, J.**

In this child custody matter, the father, Daniel Joseph Naquin, filed a rule to change from joint custody, which he shared with his children's mother, Mary LeBlanc Naquin, to sole custody in his favor. Mr. Naquin alleged that Mrs. Naquin had an "open relationship" with her boyfriend while the minor children were in the house. After a hearing, a judgment was signed on June 28, 2006. In the judgment, the trial court maintained joint custody with visitation for the father, but disallowed any contact between the minor children and the boyfriend. Mrs. Naquin appealed.

Mrs. Naquin essentially attacks the order as too restrictive. She argues that, if the relationship progresses and Mrs. Naquin and her boyfriend decide to marry, the children would have had virtually no contact with a man who would then be their stepfather.

The primary concern in custody disputes is the "best interest" of the children, not the parents. LSA-C.C. art. 131. The trial court's decisions on custody matters are entitled to great weight, and will not be reversed absent a clear showing of an abuse of discretion. *In re Custody of Ricard*, 2004-2573, p. 4 (La.App. 1 Cir. 2/11/05), 906 So.2d 544, 547. However, custody decisions, including ancillary terms of custody and visitation, are not a tool to regulate human behavior. *Blackledge v. Blackledge*, 94-1568, p. 4 (La.App. 1 Cir. 3/3/95), 652 So.2d 593, 595.

Based on a thorough review of the record, we find no error in the trial court's continuation of joint custody, but agree with Mrs. Naquin that the court's order precluding all contact between her minor children and her boyfriend is too broad. It denies the minor children any opportunity to become acquainted with a man who may someday occupy a permanent position in their lives. A prohibition against all contact of any kind between

the minor children and the boyfriend, without any evidence that the boyfriend had harmed the children or posed a threat to the children themselves, or that mere contact with the boyfriend was in any way detrimental to the minor children, is a clear abuse of discretion.

For that reason, we remand the case to the trial court for a tailoring or narrowing of the order. Under a more limited order, the children would be able to become better acquainted with the boyfriend in settings, whether inside or outside the home, that would not be suggestive of any inappropriate relationship between their mother and the boyfriend.

For these reasons, the part of the judgment denying any contact between the minor children and the boyfriend is reversed, and the case is remanded, with instructions. In all other respects, the judgment is affirmed.<sup>1</sup> The costs of the appeal are assessed equally: one-half to be paid by appellant, Mrs. Naquin, and one-half by appellee, Mr. Naquin.

**REVERSED IN PART, AFFIRMED IN PART, AND  
REMANDED.**

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<sup>1</sup> This memorandum opinion is issued in compliance with URCA Rule 2-16.1.B.