

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

JORDAN ANTHONY ANDRE

NO. 2022 CW 0964

VERSUS

ARIANA MAE DELATTE

SEPTEMBER 9, 2022

In Re: Ariana Mae Delatte, applying for supervisory writs, Family Court in and for the Parish of East Baton Rouge, No. 228575.

BEFORE: WELCH, PENZATO, AND LANIER, JJ.

WRIT GRANTED. We find the trial court erred in denying the exception of lack of jurisdiction filed by defendant, Ariana Mae Delatte, in the instant case. We find that the trial court erred in finding that the minor child's home state in this case was Louisiana under La. R.S. 13:1813(A)(1). **Sergeant v. DeRung**, 2016-1203 (La. App. 4th Cir. 3/8/17), 213 So.3d 423, 426-427. At the June 28, 2022 hearing, defendant, Ariana Mae Delatte, testified that her family moved to Utah in October, 2021, and she intended to follow them there, and the evidence showed she changed her driver's license to Utah. Further, Delatte attended prenatal visits in Utah, the minor child was born in Utah, the minor child's pediatrician is in Utah, and Delatte obtained insurance and a social security card for the child in Utah as well. We find the minor child's home state is Utah. Accordingly, we reverse the trial court's July 12, 2022 denying the exception of lack of jurisdiction, filed by defendant, Ariana Mae Delatte, grant the exception of lack of jurisdiction, and dismiss plaintiff's petition.

**JEW
AHP
WIL**

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DEPUTY CLERK OF COURT
FOR THE COURT