

**STATE OF LOUISIANA IN
THE INTEREST OF D.**

*** NO. 2001-CA-2348
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

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MCKAY, J. CONCURS

I concur with the majority’s decision to reverse and remand this matter. Although there is no provision for appointment of counsel in a situation such as this, such a provision is made for matters relating to a child in need of care. *See Louisiana Children’s Code Art. 608.* These types of matters are clearly analogous. Therefore, I must question whether the trial court afforded T.S. the “adequate opportunity” to demonstrate his fitness as envisioned by In the Matter of R.S., 94-2596, 94-2696, 94-2663 (La. 11/9/94), 645 So.2d 205. That is not to say that I disagree with the trial court’s findings of fact in this case. However, to avoid any appearance of a violation of T.S.’s right to due process, I concur with the majority’s decision to reverse and remand this matter.