

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

*** NO. 2017-CA-0616
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

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LEDET, J., DISSENTING WITH REASONS

I dissent, first, to address a jurisdictional issue. Article 330(B) of the Louisiana Code of Criminal Procedure provides that, “[i]n . . . child in need of care proceedings pursuant to Title VI . . . an appeal may be taken only after a judgment of disposition . . . [and] shall include all errors assigned concerning the adjudication and disposition.” Because the record does not include a judgment containing appropriate decretal language either disposing of or dismissing the State’s child in need of care petition, I would find that we lack appellate jurisdiction over this case. *See State in Interest of J.C.*, 16-0138, pp. 6-7 (La. App. 1 Cir. 6/3/16), 196 So.3d 102, 107 (observing that, when a “judgment does not contain the appropriate decretal language [either] disposing of or dismissing [the State’s] child in need of care petition, [an appellate court] cannot consider it as a final judgment for the purpose of an immediate appeal”; but noting that, when the “litigation would have been terminated had the district court included the proper decretal language dismissing the petition, [an appellate court can] exercise [its] discretion and convert th[e] appeal to an application for supervisory writ.”); *see also, State in Interest of A.F.*, 16-0711 (La. App. 4 Cir. 1/25/17), 211 So. 3d 673, 676 (dismissing a child in need of care petition for lack of appellate jurisdiction in

the absence of a judgment containing appropriate decretal language disposing of or dismissing the State's child in need of care petition).

Assuming we were to exercise discretion to convert this appeal to an application for supervisory writ, I would deny the writ. The juvenile court's decision was not an abuse of discretion. *See State in Interest of S.T.*, 14-0731, p. 3 (La. App. 4 Cir. 1/28/15), 158 So.3d 944, 946 (observing that a juvenile judge deciding whether a child is in need of care "is vested with great discretion[,] and such a decision will not be reversed on appeal absent a showing of abuse of that discretion.").