

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2012 CU 1005

CHRISTOPHER LEE COWART

VERSUS

MAHGAN WHITE

\*\*\*\*\*

Judgment Rendered: NOV - 2 2012

\*\*\*\*\*

APPEALED FROM THE TWENTY-FIRST JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF LIVINGSTON  
STATE OF LOUISIANA  
DOCKET NUMBER 122816, DIVISION "F"

HONORABLE ELIZABETH P. WOLFE, JUDGE

\*\*\*\*\*

C. Glenn Westmoreland  
Livingston, Louisiana

Attorney for Plaintiff/Appellee  
Christopher Lee Cowart

Cassandra Butler  
Independence, Louisiana

Attorney for Defendant/Appellant  
Mahgan White

**BEFORE: KUHN, PETTIGREW, AND McDONALD, JJ.**

**McDONALD, J.**

This is an appeal of a child custody judgment. Christopher Lee Cowart and Mahgan White had one child together, Dixie LeeAnn Cowart (Dixie), born August 6, 2007. Mr. Cowart and Ms. White entered into a consent judgment, signed by the trial court on May 5, 2009, in which they shared joint custody of Dixie, with alternating weekly visitation. Ms. White lives in Ethel, Louisiana, and Mr. Cowart lives in Hammond, Louisiana.

Thereafter on August 25, 2011, Ms. White filed a Rule for Modification of Custody, asserting that Dixie would be starting kindergarten in 2012 and weekly rotating custody would no longer be feasible. Ms. White sought sole custody, or in the alternative, asked to be named the domiciliary parent. Mr. Cowart then filed a Rule for Modification of Custody on September 29, 2011, also seeking to be named Dixie's domiciliary parent.

Following a hearing the trial court ruled, awarding continued joint custody and naming Mr. Cowart the domiciliary parent, effective at the start of the school year, August 2012; awarding weekend visitation to Ms. White every Friday afternoon until Monday morning, during the school year; and awarding visitation to Ms. White for the summer (starting one week after school ends and ending one week before school begins) with Mr. Cowart having every weekend visitation during the summer from Friday night until Monday morning. Ms. White is appealing that judgment, and asserts that the trial court erred in naming Mr. Cowart as the domiciliary parent.

The trial court is vested with broad discretion in deciding child custody cases. Because of the trial court's better opportunity to evaluate witnesses, and taking into account the proper allocation of trial and appellate court functions, great deference is accorded to the decision of the trial court. A trial court's determination regarding child custody will not be disturbed absent a clear abuse of

discretion. **Martello v. Martello**, 2006-0594 (La. App. 1 Cir. 3/23/07), 960 So.2d 186, 191-192.

The trial court gave detailed reasons for its judgment. Ms. White asserts that the trial court erred in finding that Mr. Cowart was better able to provide Dixie with food, clothing, medical care, and other material needs. Ms. White further argues that the trial court erred in determining Ms. White failed to encourage the relationship between Dixie and Mr. Cowart (by failing to leave Dixie for a visit when Mr. Cowart was not present for the exchange). However, we note that these were only two of the factors that the court considered in its detailed analysis of the case.

After a thorough review of the record, we cannot say that the trial court abused its discretion in determining that joint custody, with Mr. Cowart as the domiciliary parent, was in Dixie's best interest. Thus, we affirm the trial court judgment. Ms. White is cast with costs. This memorandum opinion is issued in compliance with the Uniform Rules – Courts of Appeal, Rule 2-16.1.B.

**AFFIRMED.**