

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ANGELLE LEONARD HINKLE

NO. 2014 CW 0863

VERSUS

SHANNON HINKLE

JUNE 17, 2014

In Re: Angelle Leonard Hinkle, applying for supervisory writs, 18th Judicial District Court, Parish of Pointe Coupee, No. 45756.

BEFORE: WHIPPLE, C.J., PARRO AND WELCH, JJ.

WRIT GRANTED IN PART; DENIED IN PART. In this interstate child custody jurisdictional dispute, relator, Angelle Leonard Hinkle, seeks review of the portion of the district court's June 13, 2014 judgment that granted the defendant's, Shannon Hinkle, declinatory exception urging the objection of lack of subject matter jurisdiction. Louisiana's Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), La. R.S. 13:1801 et seq., governs the determination of jurisdiction in this dispute. On the showing made, we find that the district court did not err in finding that Oklahoma is the child's "home state" as that term is defined under the UCCJEA. See La. R.S. 1813(A); La. R.S. 13:1802(7)(a), & La. R.S. 13:1816. However, the UCCJEA does not govern jurisdiction over Mrs. Hinkle's divorce proceeding. Thus, we grant the writ in part and modify the June 13, 2014 judgment to provide that Mr. Hinkle's declinatory exception of lack of subject matter jurisdiction is granted only as to the portion of the petition seeking custody of the minor child. In all other respects, the writ is denied.

RHP
JEW

Whipple, C.J., dissents in part and concurs in part. I respectfully dissent in part. I find that that the district court erred as a matter of law in concluding that the "home state" of the child under the Act was Oklahoma solely on the reasons of his birth in Oklahoma and that the child lived there for nine to ten days after his birth. Accordingly, I would reverse the judgment and remand the matter for a determination of custody of the minor child in accordance with the best interest of the child. See La. C.C. arts. 131 & 134.

However, I concur insofar as the majority modifies the June 13, 2014 judgment to recognize that the district court has jurisdiction over the divorce proceedings.

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DEPUTY CLERK OF COURT
FOR THE COURT