

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2017 CJ 0628

IN RE: K.T., JR. AND M.T.,
APPLYING FOR INTRAFAMILY ADOPTION

Judgment Rendered: DEC 14 2017

APPEALED FROM THE TWENTY-FIRST JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF LIVINGSTON
STATE OF LOUISIANA
DOCKET NUMBER 149421, DIVISION "J"

HONORABLE JEFFREY C. CASHE, JUDGE

Scott Nettles
Baton Rouge, Louisiana

Attorneys for Plaintiffs/Appellees
K.T., Jr. and M.T.

V.K.W.
Saint Gabriel, Louisiana

In Proper Person

BEFORE: WHIPPLE, C.J., McDONALD, AND PENZATO, JJ.

McDONALD, J.

In this matter, after a September 16, 2016 trial on the merits, the district court signed a judgment on October 6, 2016, terminating the parental rights of K.T.W. (the mother) and V.K.W. (the father) to their minor daughter, H.S.W.; granting an intrafamily adoption of H.S.W. by her maternal grandfather, K.T., Jr., and his wife, M.T.; sealing H.S.W.'s original birth certificate; amending H.S.W.'s birth certificate to name K.T., Jr. and M.T. as her parents; and changing H.S.W.'s surname to that of K.T., Jr. and M.T.¹ On October 11, 2016, notice of judgment issued to the parties.

On October 27, 2016, V.K.W. filed a "Notice of Intent to Appeal" with the district court. Thereafter, on November 3, 2016, the district court signed an order granting the appeal, with a return date of November 26, 2016. However, on November 10, 2016, V.K.W. filed an application for supervisory writs with this court. On November 18, 2016, this court denied the writ application, stating that a disposition permanently terminating parental rights is a final, appealable judgment, pursuant to La. Ch.C. art. 330, but further noting that the October 6, 2016 judgment contains a reference to an October 19, 2016 "Judgment Review," which implied that the October 6, 2016 judgment was not final. This court decreed that after such time as the district court may render a final, appealable judgment, excluding the language referencing a "Judgment Review," V.K.W. may take an appeal within fifteen days from the mailing of notice of the newly rendered judgment, pursuant to La. Ch.C. art. 332(A). **In Re: K.T., Jr. and M.T. Applying For Intrafamily Adoption**, 2016 CW 1497 (La. App. 1 Cir. 11/18/16).²

After receiving no further filing regarding this matter, on August 28, 2017,

¹ Initials will be used to refer to the parties throughout this opinion to ensure the confidentiality of the minor child. See Uniform Rules, Courts of Appeal, Rule 5-2.

² V.K.W. also filed an application for supervisory and/or remedial writs with the Louisiana Supreme Court. The Louisiana Supreme Court did not consider the writ application, as it was not timely filed. **In Re: K.T., Jr. and M.T. Applying For Intrafamily Adoption**, 2017 CP 0253 (La. 3/31/17).

this court, *ex proprio motu*, examined the record and entered an order remanding the case to the district court to allow the district court to sign an amended, final judgment. On September 5, 2017, the district court signed a final, amended judgment. On September 8, 2017, a copy of the final, amended judgment was mailed to the counsel of record for all parties and to the litigants who were not represented by counsel. More than 15 days have passed since the mailing of notice of the final, amended judgment, pursuant to La. Ch.C. art. 332(A), and no further appeal has been filed. Moreover, the earlier “Notice of Intent to Appeal,” filed on October 27, 2016, was untimely. Accordingly, in the absence of the filing of any timely appeal herein, the district court’s September 5, 2017 judgment, terminating V.K.W.’s parental rights and allowing the intrafamily adoption of H.S.W., is now final. Thus, this appeal is dismissed.

APPEAL DISMISSED.