

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

ROBERT CARTER JUSTICE

NO. 2017 CW 1749

VERSUS

KATHRYN TALLEY JUSTICE

DECEMBER 28, 2017

In Re: Kathryn Talley Justice, applying for supervisory writs, 23rd Judicial District Court, Parish of Ascension, No. 118893.

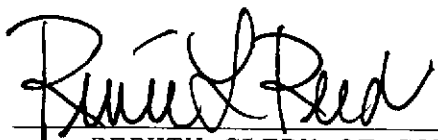
BEFORE: McCLENDON, WELCH AND THERIOT, JJ.

WRIT GRANTED IN PART AND WRIT DENIED ON THE SHOWING MADE IN PART. The district court's December 21, 2017, order granting temporary sole custody to Robert Carter Justice is vacated. The district court abused its discretion by granting ex parte temporary sole custody to Robert Carter Justice. Robert Justice's petition for ex parte temporary sole custody fails to meet the requirements of La. Code Civ. P. art. 3945, as the allegations in the petition are neither verified nor accompanied by an affidavit. Therefore, it is ordered that the children be immediately returned to the custody of Kathryn Talley Justice. The assignments of error related to the district court's interim grant of weekly supervised visitation and finding of Kathryn Talley Justice in contempt of that order are denied on the showing made. This court requires a transcript of the proceedings of the August 30, 2017, in-chambers hearing on Kathryn Talley Justice's request that Robert Carter Justice's contact with the minor children be limited and of the November 13, 2017, in-chambers hearing on Robert Carter Justice's motion for contempt, in order to make a determination on whether the district court abused its discretion in issuing the respective orders.

PMc
MRT

Welch, J., concurs. In addition, I find that Robert Justice's petition for ex parte temporary sole custody fails to establish that immediate and irreparable injury will result to the children before a hearing can be held as required per La. Code Civ. P. art. 3945.

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DEPUTY CLERK OF COURT
FOR THE COURT