

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2018 CU 1713

FREDDICK LAVA MOORE, SR.

VERSUS

CRYSTAL ANN MOORE

Judgment Rendered: MAY 01 2019

Appealed from the
Twenty-Second Judicial District Court
In and for the Parish of St. Tammany
State of Louisiana
Docket Number 2017-10975

Honorable Dawn Amacker, Judge Presiding

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Crystal Ann Moore

BEFORE: WHIPPLE, C.J., McCLENDON, AND HIGGINBOTHAM, JJ.

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WHIPPLE, C.J.

In this custody matter, the mother, Crystal Ann Moore, appeals from a judgment of the trial court awarding the parties joint custody of their minor children and designating the father, Freddick Lava Moore, Sr., as the domiciliary parent. For the reasons that follow, we affirm.

FACTS AND PROCEDURAL HISTORY

Crystal Ann Moore (“Crystal”) and Freddick Lava Moore, Sr., (“Freddick”) were married in St. Tammany Parish in 2004 and subsequently divorced in 2017. Two minor children were born during the marriage: N.L.M., born in 2008, and F.L.M., born in 2012.¹

In April of 2017, the parties entered into a “Consent Judgment” wherein they agreed: (1) to “joint and shared” custody of the minor children;² (2) that good grounds existed to not designate a domiciliary parent; (3) and that the minor children would be enrolled in the mother’s school district, unless the parties agreed otherwise. The parties also agreed to a visitation schedule and certain provisions governing the physical custody of the children.

On January 26, 2018, Freddick filed a petition to modify custody, contending that since the parties entered the consent judgment, Crystal: illegally moved the children from St. Tammany Parish and changed residences several times, eventually living in a homeless shelter in St. Bernard Parish; admitted that she has driven the children with a suspended license; lost her job and failed to attain gainful employment to support the children; and, upon information and

¹In order to protect the privacy of the minor children, we will refer to them by use of their initials throughout the opinion herein. See generally Uniform Rules - Courts of Appeal, Rules 5-1 and 5-2.

²Although the wording of the consent judgment expressly states that “[t]he parties are granted joint and shared custody,” we note that “[s]hared custody” means that each parent has physical custody of the child for an approximately equal amount of time and that “[j]oint [c]ustody” means a joint custody order that is not shared custody as defined in R.S. 9:315.9. See LSA-R.S. 9:315.9(A)(1) and LSA-R.S. 9:315.8(E).

belief, has a prescription drug problem. Freddick thus asked the court to order that: (1) the children remain in their current schools in St. Tammany Parish; and (2) he be named domiciliary parent.

On May 2, 2018, a hearing officer conference was held on Freddick's rule to modify custody.³ The parties appeared separately, as Crystal arrived very late after the hearing had concluded and presented conflicting stories of circumstances and facts. Thereafter, the hearing officer recommended that the parties maintain joint custody with Freddick designated as the domiciliary parent, and that Crystal be awarded custody of the children on the 1st, 2nd, and 4th weekend of every month from Friday after school, or 5:00 p.m. if there is no school, until Monday morning when the children are returned to school, and that the parties share equal custody on a weekly basis, with the caveat that should Crystal move back to St. Tammany Parish, the parties would resume joint custody under the schedule set forth in the consent judgment.⁴ Following Crystal's objection to the hearing officer's recommendations, the trial court ordered that the hearing officer's recommendations would remain in effect pending a hearing before the trial court.

The matter was heard before the trial court on June 5, 2018, and July 19, 2018. At the commencement of the hearing, the parties entered the following stipulations on the record: (1) that Freddick would transfer title of the Nissan to Crystal upon her providing proof of insurance on the vehicle; (2) that Crystal would reimburse Freddick for all speeding tickets and citations she received while the vehicle was in her possession; and (3) that the parties agreed to certain

³In his petition, Freddick also requested that the court order that a 1999 Nissan Sentra, which he alleged was his separate property, be returned to him because Crystal was driving it with a suspended license and that he be awarded use and occupancy of the 2002 BMW 328 because his wages were being garnished for payment of a loan on the vehicle. The hearing officer ordered that Crystal return the BMW to Freddick, and either return the Nissan to Freddick or sign an act of donation of the vehicle.

⁴The hearing officer's recommendation further provided that the parties would share equal custody on a weekly basis during the summer.

provisions regarding custody and exchange of the children pending the conclusion of the hearing. A partial consent judgment conforming to these stipulations was signed by the trial court on June 26, 2018. The trial court also ordered a series of three drug tests for Crystal, including a hair test and instant panel test.⁵

At the conclusion of the hearing, the trial court rendered a considered decree finding that there had been a “very significant” material change in circumstances warranting a change from the “joint shared custody arrangement” to a “joint custody” with Freddick designated as the domiciliary parent and Crystal exercising physical custody as previously recommended by the hearing officer. The trial court further ruled that in the event that Crystal should move back to St. Tammany Parish, she would have to return to court to seek to change the legal custody regime as ordered, under the appropriate burden of proof, and that custody would not automatically revert back to joint shared custody. The trial court signed a written judgment conforming to its reasons on August 17, 2018.

Crystal then filed the instant appeal, contending that the trial court erred in: (1) making a best interest determination under LSA-C.C. art. 134 before determining whether Freddick’s petition to modify custody was properly before the court; (2) finding that Crystal’s presence in St. Bernard Parish constituted a relocation and was therefore a material change in circumstances materially affecting the welfare of the minor children since implementation of the prior custody decree; (3) finding that Crystal had issues with opioids and/or substance abuse; (4) implementing a physical custody order that does not assure Crystal continuing and frequent contact with her minor children; and (5) finding that it was in the best interest of the children that Freddick be designated as the domiciliary parent.

⁵The only test results revealed at the hearing were the instant panel test results, which were negative despite Crystal’s testimony that the last time she took oxycodone was two weeks before the hearing.

DISCUSSION

In child custody matters, each case must be viewed in light of its own particular set of facts and circumstances. Major v. Major, 2002-2131 (La. App. 1st Cir. 2/14/03), 849 So. 2d 547, 550. The best interests of the child is always the paramount consideration in determining child custody. LSA-C.C. art. 131; Evans v. Lungrin, 97-0541, 97-0577 (La. 2/6/98), 708 So. 2d 731, 738.

A trial court's determination of a child's best interests is usually based heavily on factual findings. Henry v. Henry, 2008-0689 (La. App. 1st Cir. 9/23/08), 995 So. 2d 643, 645. The trial court is in the best position to ascertain the best interests of the child given the unique set of circumstances. Accordingly, a trial court's determination of custody is entitled to great weight and will not be reversed on appeal unless an abuse of discretion is clearly shown. Major v. Major, 849 So. 2d at 550.

It is well settled that an appellate court cannot set aside a trial court's factual findings in the absence of manifest error or unless the findings are clearly wrong. Rosell v. ESCO, 549 So. 2d 840, 844 (La. 1989). If the trial court's findings are reasonable in light of the record reviewed in its entirety, an appellate court may not reverse those findings even though convinced it would have weighed the evidence differently had it been the trier of fact. Rosell v. ESCO, 549 So. 2d at 844. In order to reverse a fact finder's determination of fact, an appellate court must review the record in its entirety and (1) find that a reasonable factual basis does not exist for the finding, and (2) further determine that the record clearly establishes that the fact finder is clearly wrong or manifestly erroneous. Stobart v. State, Department of Transportation and Development, 617 So. 2d 880, 882 (La. 1993).

With regard to issues concerning the credibility of witnesses, we recognize where there is conflict in testimony, reasonable evaluations of credibility and reasonable inferences of fact made by the trial court are not to be disturbed.

Olivier v. Olivier, 2011-0579 (La. App. 1st Cir. 11/9/11), 81 So. 3d 22, 28, citing Stobart v. State, Department of Transportation and Development, 617 So. 2d at 882-883. When a fact finder is presented with two permissible views of the evidence, the fact finder's choice between them cannot be manifestly erroneous or clearly wrong. Stobart v. State, Department of Transportation and Development, 617 So. 2d at 883. Additionally, where the fact finder's conclusions are based on determinations regarding the credibility of witnesses, the manifest error standard demands great deference to the trier of fact because only the trier of fact can be aware of the variations in demeanor and tone of voice that bear so heavily on the listener's understanding and belief in what is said. Rosell v. ESCO, 549 So. 2d at 844.

In cases, such as the instant case, where the underlying custody decree is a stipulated judgment, a party seeking a modification must prove that: (1) there has been a change in circumstances materially affecting the welfare of the children since the original (or previous) custody decree was entered; and (2) that the proposed modification is in the best interest of the children. Tinsley v. Tinsley, 2016-0891 (La. App. 1st Cir. 1/18/17), 211 So. 3d 405, 412. Thus, the burden of proof to change the consensual agreement fell on Freddick to show that there had been a material change of circumstances affecting the children's welfare since the original custody decree was entered, and that the particular proposed modification was in the best interest of the children. See Harang v. Ponder, 2009-2182 (La. App. 1st Cir. 3/26/10), 36 So. 3d 954, 961, writ denied, 2010-0926 (La. 5/19/10), 36 So. 3d 219.

In determining whether a proposed modification is in the best interest of a child, LSA-C.C. art. 134(A) enumerates the following non-exclusive factors to be considered by the court:⁶

- (1) The potential for the child to be abused, as defined by Children's Code Article 603, which shall be the primary consideration.
- (2) The love, affection, and other emotional ties between each party and the child.
- (3) The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.
- (4) The capacity and disposition of each party to provide the child with food, clothing, medical care, and other material needs.
- (5) The length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment.
- (6) The permanence, as a family unit, of the existing or proposed custodial home or homes.
- (7) The moral fitness of each party, insofar as it affects the welfare of the child.
- (8) The history of substance abuse, violence, or criminal activity of any party.
- (9) The mental and physical health of each party. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.
- (10) The home, school, and community history of the child.
- (11) The reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.
- (12) The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party, except when objectively substantial evidence of specific abusive, reckless, or illegal conduct has caused one party to have reasonable concerns for the child's safety or well-being while in the care of the other party.
- (13) The distance between the respective residences of the parties.
- (14) The responsibility for the care and rearing of the child previously exercised by each party.

Both Freddick and Crystal testified at trial. Freddick testified that Crystal moved seven times since January of 2016, and that he was prompted to file for a modification of custody because Crystal would not provide him with an address where the children were staying when they were with her. Freddick denied that he had ever physically or sexually abused Crystal and did not know why she was

⁶Louisiana Civil Code article 134 was amended and reenacted by La. Acts 2018, No. 412, § 1, effective May 23, 2018.

making those allegations now. Freddick testified that he became aware of Crystal's drug use in June or July of 2017, when he arrived at Crystal's residence in Lacombe to pick up the children and she came out to the car and told him that she needed to talk to him. Freddick testified that she proceeded to tell him that she had a drug problem and that she could not focus on anything, that she had lost her job, that she was behind on her rent, and that she was going to be evicted if she did not pay her rent. Freddick testified that he assisted her by allowing her to move into his mother's house where she could detox and get professional help. He testified that he further assisted her in getting her own apartment and "getting back on her feet" for the sake of his children. Freddick testified that once in the apartment, he assisted Crystal with paying the electricity bill, cable bill, and the lease agreement, and that he also assisted her in buying a vehicle. Freddick worked full time as a shift manager at CVS for eight years and had a part-time job at Burger King. Freddick testified that he would work overnight and when he got off of work in the morning, he would drive to her apartment and pick up the children to bring them to school. Freddick further testified that he had health insurance and a healthcare savings account ("HSA") through his employment at CVS. Freddick testified that in late September and October of 2017, Crystal withdrew \$500.00 from Freddick's health savings account by using his HSA card for medical providers and prescription drug charges without his consent. After Freddick discovered that his HSA card was missing and that the funds had been withdrawn, he filed a complaint for fraud to recoup the amounts taken by Crystal. The dispute form and related pharmaceutical charges were introduced at trial.

Crystal testified that she was involved in two automobile accidents that resulted in back problems accompanied by pain, which required her to seek medical treatment. She testified that she was prescribed oxycodone, phentermine, endocet, and tizanidine. Crystal candidly admitted that she was still taking

oxycodone, although she stated that she used it sparingly when she has flare-ups in the vertebrae. According to Crystal, she last took it two weeks prior to trial, yet she denied ever having a drug problem. Crystal admitted to using Freddick's HSA funds to pay for the prescription drugs, but stated that she did so with his permission. Crystal denied detoxing in July of 2017, and testified that instead, she chose homeopathic pain relief medication rather than prescription medication. Crystal explained that she and Freddick reconciled in July of 2017, which was the reason she moved into his mother's home with him, but conceded that she was still receiving child support payments from Freddick during this time.

Crystal testified that at the time of trial, she was living with a friend in Meraux, Louisiana, and that she was participating in a program at a battered women's shelter. Crystal testified that Freddick had physically and sexually assaulted her, but that she never called the police, saw a physician, or filed for a protective order. Crystal conceded that she was evicted from her residence and was living "from pillar to post with her children" until she "found a sturdy foundation at the shelter." Crystal requested that the court allow the children to move to and attend school in St. Bernard Parish where she resides.

Crystal's medical and pharmaceutical records were also introduced at trial, confirming her treatment for back pain and related prescriptions. In addition to treatment from her obstetrician and the Aspen Clinic, Crystal sought treatment from Dr. David Tran from May 3, 2017 through July 9, 2018, for back pain. His records indicate that he saw her for a visit on January 29, 2018, at which time he explained to her "potential side effects of opiates" and, importantly, advised that she needed to "cut back on daily use."

With reference to the first prong of Freddick's burden of proof, after hearing the testimony and considering the evidence presented by the parties, the trial court

found that Freddick had met his burden of establishing there had been a material change in circumstances affecting the welfare of the children, as follows:

The Court first has to find, before I even get to all those best interest factors, that there's a material change in circumstances affecting the welfare of the children and that it is in their best interest to change the parties' former joint shared custody arrangement.

I do find that there is a material change in circumstances, not only for the reasons I just put of record, but I will enumerate the important ones. The mother's unresolved problems with opioids [sic] in the past, that has been a change in circumstances. And her inability to overcome for a great length of time, whether she has now or not, her problems with opioids [sic], that has been the material change that has really affected these parties.

The other material change was the mother's subsequent move to St. Bernard Parish and, again, the use of services of various agencies alleging she had been abused by the father, which, in the Court's opinion, had not been proven, it is not validated, and I have to consider false allegations at this point in time. That is a material change in circumstances as well, very significant.

The basis of the trial court's finding that it was in the children's best interest to change the parties' joint shared custody arrangement to joint custody with Freddick designated as the domiciliary parent, was Crystal's "unresolved problems" with opioids that she has been unable to overcome "for a great length in time" as well as Crystal's move to St. Bernard Parish and use of services of the battered women's shelter based on unsubstantiated "false allegations" of abuse by Freddick, which, the trial court considered a "very significant" material change in circumstances.

The trial court also reviewed the factors set forth in LSA-C.C. art. 134 and found that the proposed modification would be in the best interest of the children, holding as follows:

We've had quite a bit of testimony. I've examined all of the evidence. I've examined and listened to [the testimony] and determined the credibility of the parties today. And I will make my findings on the record on the factors in Louisiana Civil Code Article 134 that I think are most important today in reaching my decision.

Number one: The factor in which we are to determine whether or not there is a potential for the children to be abused. That is not a factor in this case.

Number two: the love, affection, and other emotional [ties] between each party and the children. I find that is equal between the parties.

Also, number three, the capacity and disposition of each to give love, affection, spiritual guidance. I find that is equal.

The capacity of the parties to continue the education and rearing of the child is approximately equal.

Number four: The capacity and disposition of each party to provide the children with food, clothing, medical care and other material needs. The father has worked and has had stable employment for a long time, in one job at least eight years. I am convinced he is a hard worker, got a good work ethic, and, really, his testimony has impressed me that he does all this to provide his children with a better life.

The mother is employed but her employment has been sporadic, and she's had several different jobs. She does not enjoy the same stability of employment, and the Court is not as convinced that she has the capacity to provide the children with all the material needs that the father does.

Number five: The length of time the children have lived in a stable, adequate environment and the desirability of maintaining continuity of that environment. This is a big factor in this case. These children have lived for ten years in St. Tammany Parish, with family, friends, school connections, everything here in St. Tammany Parish. The Court finds that it is desirable to maintain the continuity of that environment.

Number six: The permanence as a family unit of the existing or proposed custodial home or homes. The father has a long-standing girlfriend that apparently the children know. I have heard nothing that would indicate that she is not a person that is an asset to him, and there is another girl child apparently in the household. The mother, at least it hasn't been disputed, but the allegation is is [sic] that she has a relationship with a female friend that lives with her and the children. Again, that appears to be [in] a new relationship to the Court and not as of long-standing time as the one the father has had with his girlfriend.

The moral fitness of the parties, not an issue.

The history of substance abuse. This is a big factor in this case. I had to determine credibility. I find the father's testimony to be credible. It is clear to the Court that the mother has had a problem with opioids [sic], and it is a long-standing problem. The Court finds that it is still unresolved.

She has, during the pendency of this litigation, not gotten any prescriptions for oxycodone filled, but then this litigation's been pending. We don't know what the long-term prognosis is. There doesn't seem to be any reason she should be on oxycodone or any other pain medication and she testifies she is not at this point in time. But there definitely is a history.

There, also, in the Court's opinion, could be a criminal history because I do believe the father's card was used by the mother without his consent, and he's gotten the money back, but this apparently was for getting prescriptions and drugs, and that is an issue as well.

The Court doesn't find the father has any history of substance abuse, violence or criminal activity.

Let me say something that is of great significance to the Court, and that is the fact that the mother, in order to obtain housing in St. Bernard Parish, apparently alleged that the father was physically and sexually abusive to her. Not one bit of evidence from anybody has come into the record today or in any other record at any other time that he is. And I take it very seriously when you use the services of the Court or the services of the various agencies that provide things for women who are abused. And is this was the reason you left for St. Bernard, you've had two hours today to prove it and not one bit of evidence has come in.

The Court finds therefore that these allegations were maintained to gain an advantage in either the custody suit or to obtain housing in St. Bernard, but I don't find that they are true. And I take that into consideration as well in this case.

The mental and physical health of each party. I think I've addressed that earlier.

The home, school, and community history of the children. That's an important factor. It's been ten years and it's been here in the Slidell area and in St. Tammany Parish – Slidell and Lacombe.

The preferences of the children. I know the parties mentioned this. It is not really been proven one way or the other to the Court.

This is another big factor. The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party, et cetera. I have mentioned earlier the allegations that the mother has made unproven. The Court, finding no validity to them as a result against the father, I can't interpret this as anything but an attempt to alienate the children's affections from the father in this case and gain an advantage.

I find the father, on the other hand, to have done everything he could to help the mother out considering the problem's that she's had in the past year and going above and beyond to do that. So the Court finds he has a greater willingness and ability of each of the parties to facilitate the relationship between the children and their mother.

The responsibility for the care and rearing of the children. They have equally done that.

The distance between their residences is not a long distance, but it would put the children in two entirely different school districts and remove them from the environment that they've always been in here in St. Tammany.

* * * * *

Therefore, the Court looks to the best interest. I put those factors on the record. It is the opinion of the Court therefore that the custody, legal and physical custody, should be changed. The Court is now changing from a joint shared custody arrangement to one in which the parties have joint custody. The father is named the domiciliary parent. The mother is to have physical times of custody as the hearing officer recommended, except for, in the event she moves back to St. Tammany Parish, she would have to come into court and seek, using an appropriate burden of proof standard, to

change this one today in order to regain a different legal custody regime. It is not to automatically go back to joint shared custody if she moves back to St. Tammany Parish.

If she comes into court and proves a material change in circumstances and it is in the best interest of the children, certainly that is a possibility, but right now the arrangement will be as the hearing officer has recommended.

On review of these factors, the trial court determined that Freddick was more credible than Crystal and that the factors weighed in favor of Freddick. In particular, the court noted: that Freddick has maintained long-term stable employment to provide his children with a better life; that the children have lived in St. Tammany Parish with family, friends, and school connections there and that it was desirable to maintain the continuity of that environment; that Freddick has a long-standing girlfriend that the children know; that Freddick had no history of substance abuse, violence or criminal activity; and that Freddick has a greater willingness and ability to facilitate the relationship between the children and their mother.

As to Crystal, the trial court found certain factors weighed against the children's best interest, including: that her employment had been sporadic and unstable such that she did not have the capacity to provide for the children's material needs; that her recent move to St. Bernard Parish did not promote the desirability of maintaining continuity of the children's environment; that she appeared to be in a new relationship; that she had a long-standing unresolved problem with opioids; that she had a criminal history of sorts for using Freddick's HSA card without his consent for prescriptions and drugs; that she had obtained housing at a battered women's shelter in St. Bernard Parish, based on allegations that the Freddick was physically and sexually abusive to her, when she had not submitted any evidence to substantiate these allegations or raised these issues at trial and which allegations were maintained to gain an advantage in either the custody suit or to obtain housing in St. Bernard Parish; and that she had attempted

to alienate the children's affections for the father in this case and to gain an advantage.

On review, we find that the findings of the trial court are reasonable and are amply supported by the testimony of the parties and evidence of record. Moreover, considering the conflicts in the testimony of Freddick and Crystal, the trial court's finding that Freddick was particularly credible, and the deference owed to the trial court regarding its determination of the credibility of witnesses, we find no basis to disturb its determination on appeal. See Olivier v. Olivier, 81 So. 3d at 28.

With regard to Crystal's contention on appeal that the trial court erred in reviewing the factors set forth in LSA-C.C. art. 134 prior to stating that it found a material change in circumstances, we likewise find no error. The transcript reflects that after reviewing the best interest factors, the trial court acknowledged that it was required to first find a material change in circumstances affecting the welfare of the children, and specifically stated that that it had made this finding in its reasons set forth in its review of the best interest factors. The trial court further reiterated the "important" reasons supporting its finding that there was a material change in circumstances, *i.e.*, Crystal's "unresolved problem" with opioids and inability to overcome this problem for a great length of time, and her subsequent move to St. Bernard Parish and use of services of various agencies based on allegations of abuse by Freddick that had not been proven or validated, and which the court considered "false."

We further reject as meritless Crystal's contention that the trial court erred in finding that her "temporary presence" in St. Bernard Parish constituted a relocation pursuant to LSA-R.S. 9:355.1, *et seq.*, where, she contends, the record contains no allegations of an improper relocation under this statute, no evidence was submitted concerning the mileage or distance from the children's residence in St. Tammany

Parish to her residence in St. Bernard Parish, and no mention of the statute or application thereof was made by the trial court in its ruling.⁷

Instead, we have thoroughly reviewed the testimony and evidence presented herein, and for the reasons assigned by the trial court, find no merit to any of Crystal's assignments of error. The testimony and evidence of record amply supports the trial court's finding that Crystal has a history of opioid use and that there was no evidence to demonstrate that these issues have been satisfactorily resolved.

Further, to the extent that Crystal complains that the visitation schedule prohibits continuing and frequent contact with the children, we note that the trial court awarded her visitation with the children three weekends a month from Friday after school until they return to school Monday morning and alternating weekly visitation during the summer. Given the distance created between the parties following her move to St. Bernard Parish, and considering the fact that the children attend school in St. Tammany Parish during the school year, we find the visitation schedule provides as much continuing and frequent contact with the children as the distance permits under the circumstances.

Considering Crystal's unresolved history of opioid use, move to St. Bernard Parish, and use of various services, based on what the court concluded were "false" or unproven allegations against Freddick, we find no error in the trial court's conclusion that a material change in circumstances had occurred since the parties entered the April of 2017 consent judgment. Because these determinations are amply supported by the record, we find no abuse of discretion in the trial court's

⁷The statutes that govern the relocation of a child's residence, codified in LSA-R.S. 9:355.1, *et seq.*, apply if there is a court order awarding custody and there is an intent to establish the principal residence of a child at any location within the state that is at a distance of more than 75 miles from the principal residence of the child at the time that the most recent custody decree was rendered. LSA-R.S. 9:355.2(B)(3).

ultimate conclusion that awarding the parties joint custody and designating Freddick as the domiciliary parent was in the best interest of the children.

Accordingly, we find no merit to her assignments of error.

CONCLUSION

For the above and foregoing reasons, the August 17, 2018 judgment of the family court is hereby affirmed. Costs of this appeal are assessed to the appellant, Crystal Ann Moore.

AFFIRMED.