

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA, IN THE
INTEREST OF M.C. AND C.C.

NO. 2020 CW 0877

SEPTEMBER 21, 2020

In Re: M.C. and C.C., applying for supervisory writs and request for stay, Denham Springs City Court, Parish of Livingston, No. 12259.

BEFORE: McDONALD, HOLDRIDGE, AND PENZATO, JJ.

STAY DENIED; WRIT GRANTED IN PART WITH ORDER AND DENIED IN PART. The portion of the trial court's September 16, 2020 order which ordered the children, M.C. and C.C., to pay the costs of appeal is vacated. If a child desires a transcript for appeal, he or his parents shall pay the cost of transcription of the record unless the court determines that the child and his parents lack means to pay such cost. La. Ch. Code arts. 710(D) and 335(D). Pursuant to La. Ch. Code art. 320(A), for purposes of the appointment of counsel, children are presumed to be indigent. Accordingly, the children, M.C. and C.C., lack the means to pay the costs of transcribing the hearing for purposes of their pending appeal, and the appeal is ordered to proceed without the children paying the appeal costs. This matter is remanded to the trial court for purposes of determining whether the parents have the means to pay such costs. See **State in Interest of T.H., Jr.**, 2012-1012 (La. 11/9/12), 100 So.3d 823, 824. This writ application is denied in all other respects. While La. Ch. Code art. 336 provides that a suspensive appeal shall not suspend the execution of a judgment insofar as the judgment relates to custody, nonetheless, the trial court's September 16, 2020 order provides that the appeal is suspensive in nature.

JMM
GH
AHP

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