

THOMAS J. TOUPS

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NO. 2016-CA-0248

VERSUS

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COURT OF APPEAL

**VICKIE Z. KAUFFMAN
(TOUPS)**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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BONIN, J., DISSENTS WITH REASONS.

I respectfully dissent.

The parties provided by their consent that either parent's relocation within designated areas of the metropolitan New Orleans area would not constitute a change of circumstances *and* that the father would not pay any portion of the children's private school tuition. The fact that a child was not admitted to a public school of choice does not equate with unavailability of public education in New Orleans. And under such circumstances the mother's subsequent loss of that high-end employment by which she bore the entire burden of the child's private school tuition cannot constitute the requisite change of circumstances. I simply cannot identify any change of circumstance which authorizes the imposition of private school tuition upon the father. I would reverse the trial judge's decision.