

10/16/01 “See News Release for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

No. 01-C-1967

MAGDA SOBHY AHMED AMIN, ET AL.

versus

ABDELRAHMAN SAYED BAKHATY

CALOGERO, Chief Justice, concurs.

I subscribe to the majority’s result in this case. As to child custody, under these circumstances, I would likewise decline to treat a foreign nation as a state pursuant to the UCCJA. I am particularly persuaded by the fact that Dr. Bakhaty voluntarily went to East Baton Rouge Parish and filed a petition for civil warrant.¹ This pleading was not a valid petition for civil warrant, but a prima facie request for a Louisiana court to award custody in his favor. Of equal significance, in my opinion, are the facts that Dr. Bakhaty has been a United States citizen since 1989, has lived in the United States virtually all his adult life, has a residence in New Jersey, and practices medicine in New York. Furthermore, Ms. Amin wishes to remain in Louisiana. Given Dr. Bakhaty’s significant connection with the United States, his voluntary entry into Louisiana to request custody of the minor child, and the wishes of Ms. Amin to remain in this state, jurisdiction over the minor child is appropriate in Louisiana.

¹ As indicated in the majority opinion, a petition for civil warrant is governed by La. Rev. Stat. 9:343. The statute allows a parent with a valid custody order to apply for a civil warrant directing law enforcement authorities to return the child to the custodial parent pending further order of the court having jurisdiction over the matter. If filed properly, the court’s jurisdiction will be limited to obtaining the civil warrant.