

01/25/02 "See News Release 007 for any concurrences and/or dissents."

**SUPREME COURT OF LOUISIANA**

**01-C-1298**

**PAMELA MCWILLIAMS BILLIOT**

**versus**

**JOSEPH B. BILLIOT, JR.**

TRAYLOR, J. dissenting.

The trial court found that OCS "willfully defied" its orders, that it was aware of the custody decree awarding joint custody with the father being the custodial parent. OCS circumvented the law set forth in the Children's Code, specifically the requirement for issuance of an instanter order pursuant to La. Ch. Code art. 621 and the custody hearing requirements of La. Ch. Code art. 624. Because they did so, I would find that OCS both obstructed and interfered with the administration of justice which impaired the dignity of the court and disregarded the respect due the court's authority under La. Code Civ. Proc. art. 221. A simple phone call could have effected the proper order to be issued by the trial court. However, instead of following the law or the existing trial court custody order, OCS chose to act as they saw fit. Therefore, I would find that the trial court properly exercised its contempt power.

For these reasons, I dissent and would affirm the findings of the trial court and court of appeal.