

SUPREME COURT OF LOUISIANA

No. 2017-CJ-1773

BENNY COUNCIL

VS.

TAMEKA COLLINS LIVINGSTON

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FOURTH CIRCUIT, PARISH OF ORLEANS**

Hughes, J., would grant the writ.

I would grant to address two concerns.

First, the court of appeal references Dr. Bauer, stating “Here, Dr. Bauer described BDC as a ‘very anxious’ and ‘reticent’ three-year-old, who may be confused, frightened, and perhaps traumatized by being taken away from his mother for significant periods of time.”

However, Dr. Bauer’s report states, “It is difficult to determine whether [BDC] is fearful or reticent in response to his mother’s overprotective nature . . .” which is quite a different thing all together.

Second, the father has a valid complaint that the recommended increase in unsupervised visitation results in an actual decrease after the last phase of implementation. Hopefully, these discrepancies can be addressed by the trial court.