

SUPREME COURT OF LOUISIANA

19-CJ-0989

STATE OF LOUISIANA IN THE INTEREST OF L.C.F.

vs.

CLAYTON DALE FUTCH

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
SECOND CIRCUIT, PARISH OF BOSSIER**

CRICHTON, J., would grant and assigns reasons:

I would grant the writ filed by State of Louisiana and reinstate the trial court ruling denying the respondent father's petition to annul the child support judgment. Under the circumstances presented, I find that the respondent father obviously knew that (1) he has a child; and (2) he has an obligation of support. Moreover, he was served via certified mail at the address he provided to the Office of Family Support caseworker and ultimately received personal service by the Claiborne Parish Sheriff's Office.

In my view, Ch. Code art. 640 and C.C.P. art. 1201 were honored as were the due process rights of the respondent. The unjustifiable delay here has adversely and detrimentally impacted the child's care, support and due process. Accordingly, I would reinstate the trial court's judgment. *See* Ch. Code art. 102 ("the provisions of this Code shall be liberally construed to the end that *each child* and parent coming within the jurisdiction of the court shall be accorded due process and that *each child* shall receive, preferably in his own home, the care, guidance, and control that will be conducive to his welfare . . . These Code provisions shall be construed to promote the stability of the family and to secure

simplicity in procedure, fairness in adjudication and administration, and the elimination of unjustifiable delay”).).