

SUPREME COURT OF LOUISIANA

97-C-3085

***ROBERT J. CARBON,
INDIVIDUALLY AND ON BEHALF OF HIS MINOR DAUGHTER,
JENNIFER CARBON***

Versus

ALLSTATE INSURANCE COMPANY

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF LAFOURCHE**

CALOGERO, C.J., Dissenting

I disagree with the majority's conclusion that Allstate's definition of resident does not violate public policy under these circumstances. According to Allstate's definition, residency hinges upon an unemancipated minor's intent to continue living in her father's household. This conflicts with the Civil Codes's emphasis on awarding joint custody when it is in the best interest of the child. *See* La. Civ. Code arts. 131 & 132. It further conflicts with the civil law's strong emphasis on family borne out in Civil Code article 218, which provides that "[a]n unemancipated minor can not quit the parental house without permission of his father and mother." Accordingly, I respectfully dissent.