

The Supreme Court of the State of Louisiana

RUSSELL MAURICE BRUE

No. 2025-CJ-01260

VS.

LE TU TRAN BRUE

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IN RE: Le Tu Tran Brue - Applicant Defendant; Applying For Supervisory Writ,  
Parish of St. Tammany, 22nd Judicial District Court Number(s) 202215936, Court  
of Appeal, First Circuit, Number(s) 2025 CW 0562;  
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**November 25, 2025**

Writ application granted. See per curiam.

WJC

JBM

JMG

CRC

Weimer, C.J., dissents and would deny.

Hughes, J., dissents and would deny.

Griffin, J., dissents and would deny.

Supreme Court of Louisiana

November 25, 2025



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Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 2025-CJ-01260**

**RUSSELL MAURICE BRUE**

**VS.**

**LE TU TRAN BRUE**

On Supervisory Writ to the Juvenile Court, Parish of St. Tammany

PER CURIAM

In this child custody matter, the parties were granted joint custody of the two minor children, with the mother designated as domiciliary parent. The mother homeschooled the children five days per week and had them attend a small private school for several mornings each week for additional tutoring. The father challenged this arrangement.

After hearing, the trial court rendered judgment ordering the children to attend a public school for the next school year. In support, the trial court found the mother was using the home schooling schedule to adversely impact the father's custody and ability to see the children consistently. The court further determined that the children may be dyslexic, and the current schooling arrangement may not address this condition.

The mother sought supervisory review. The court of appeal denied the writ. One judge dissented, finding the trial court "abused its discretion because it did not apply the proper presumption to the domiciliary parent's decision as to school choice."

Pursuant to La. R.S. 9:335(B)(3), the domiciliary parent is given authority to make all decisions affecting the child unless an implementation order provides otherwise. Upon motion of the non-domiciliary parent, all major decisions made by the domiciliary parent concerning the child, including choice of schools, are subject

to review by the court. The statute expressly provides that “[i]t shall be presumed that all major decisions made by the domiciliary parent are in the best interest of the child.” Therefore, the burden of proving that such decisions are not in the best interest of the child is placed on the non-domiciliary parent who opposes the decision. See *Lawson v. Lawson*, 48,296 (La. App. 2 Cir. 7/24/13), 121 So. 3d 769, 773; see also *Thibodeaux v. Thibodeaux*, 2025-00972 (La. 8/6/25), 415 So. 3d 932, 933.

In the case before us, we find the trial court failed to give proper effect to the presumption that the mother’s choice of schooling was in the children’s best interest. Rather than finding any fundamental defects in the current arrangement, the trial court acknowledged in its reasons for judgment that there was “no issue that the children have done well in their education to date. . . .” This finding reveals the father failed to rebut the presumption of best interest accorded to the mother’s major decisions.

The trial court’s primary focus was on certain aspects of the current arrangement, such as its effect on the father’s custody and whether it included adequate resources to address the children’s dyslexia. While these concerns are reasonable, they do not indicate the mother’s schooling decision is not in the children’s best interest. Rather, these concerns can be addressed through narrow rulings which do not impact the mother’s school decision, such as explicitly defining the time periods when the mother must make the children available to the father.

Applying this reasoning, we find the trial court erred in ordering the children to attend a different school for the next school year. We will vacate this ruling and remand the case to the trial court to fashion a remedy that addresses the concerns raised by the father while maintaining the mother’s educational decision.

## **DECREE**

For the reasons assigned, the writ is granted and made peremptory. The April 23, 2025 judgment of the trial court is vacated and set aside insofar as it orders the minor children to attend public school for the next school year. The case is remanded to the trial court for further proceedings consistent with this opinion.