

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2007 CJ 0992

STATE OF LOUISIANA

IN RE: C.E.F. APPLYING FOR INTRAFAMILY ADOPTION OF
T.W.W.

Judgment Rendered: September 14, 2007

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Appealed from the
Eighteenth Judicial District Court
In and for the Parish of Pointe Coupee
State of Louisiana
Docket Number 40,267

Honorable James J. Best, Judge

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C. Jerome D'Aquila
New Roads, LA

Counsel for
Plaintiffs-Appellees
C.E.F. and B.L.S.F.

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Jackson, LA

Counsel for
Defendant-Appellant
B.W.W.

* * * * *

BEFORE: WHIPPLE, GUIDRY, AND HUGHES, JJ.

GUIDRY, J.

A biological father¹ appeals a judgment in a proceeding for intrafamily adoption of his minor child by the spouse of the child's biological mother; however, in reviewing this matter, we find the judgment appealed is defective, and we hereby remand this matter to the trial court for the limited purpose of signing a valid written judgment that includes appropriate decretal language.

The January 5, 2007 judgment appealed herein contains the following rulings:

IT IS ORDERED, ADJUDGED AND DECREED that the consent of [B.W.W.] is not necessary for the final decree of adoption.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that it is in the child's best interest that he be adopted by [C.E.F.].

Thereafter, except for a statement as to where and when the judgment was read, rendered, and signed, the judgment contains no other decretal language. Notably, the judgment contains no language terminating the biological father's parental rights, nor decreeing that the child be deemed the child of the adoptive parent. Absent such language, the judgment is defective. Accordingly, we remand this matter to the trial court to reform the judgment to include appropriate decretal language and further order the trial court to supplement the record on appeal with the reformed judgment within 30 days of the date of this action. Assessment of appeal costs is to await a final determination of this appeal.

REMANDED WITH INSTRUCTIONS.

¹ Pursuant to Rules 5-1 and 5-2 of the Uniform Rules—Courts of Appeal, the initials of the parties involved will be used to protect the minor's identity.