

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2007 CJ 2428

L. F. G.

VERSUS

W. G.

Judgment Rendered: May 2, 2008

**Appealed from
Juvenile Court
In and for the Parish of East Baton Rouge
State of Louisiana
Case No. 10,160**

The Honorable Allan J. Bergeron, Judge *Pro Tempore* Presiding

**Doug Moreau
District Attorney
Sherry E. Patrick
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Baton Rouge, Louisiana**

**Counsel for Plaintiff-Appellant
State of Louisiana**

**Alfreda Tillman Bester
Baton Rouge, Louisiana**

**Counsel for Defendant/Appellee
W. G.**

BEFORE: GAIDRY, McDONALD, AND McCLENDON, JJ.

Handwritten signatures and initials on the left side of the page. The top signature appears to be 'LFG' with a large flourish. Below it is another signature that looks like 'SMC'. At the bottom is a signature that looks like 'JMM'.

GAIDRY, J.

SUMMARY DISPOSITION

The State of Louisiana appeals a judgment of the Juvenile Court of the Parish of East Baton Rouge, sustaining a declinatory exception of lack of subject matter jurisdiction and vacating both the registration of a child support order and an income assignment order rendered pursuant to La. R.S. 46:236.3. We affirm.

In an action for divorce filed in the Family Court of the Parish of East Baton Rouge, a judgment ordering child support of \$800.00 per month to be paid by the defendant father, W.G., was rendered on April 8, 1997. On April 11, 2007, the State registered the child support order for enforcement in the Juvenile Court of the Parish of East Baton Rouge. W.G. excepted to the subject matter jurisdiction of the Juvenile Court, on the grounds that the Family Court had “exclusive continuing jurisdiction” to enforce its original support order, pursuant to La. R.S. 13:1621(C). The Juvenile Court agreed and sustained the declinatory exception.

On appeal, the State contends that La.Ch.C. article 311(B)(1)(d) establishes concurrent jurisdiction in the Juvenile Court in “[p]roceedings brought by the district attorney . . . to register [or] enforce . . . any order of support issued by any court in this state,” and that the enactment of that article after the last amendment to La. R.S. 13:1621(C) makes La.Ch.C. article 311(B)(1) controlling as the latest expression of legislative will on the subject. We disagree. While La. Ch.C. article 311(B)(1) does establish a *general* rule of concurrent jurisdiction, it does not preempt the *special* rule of La. R.S. 13:1621(C) governing the respective jurisdiction of the Family and Juvenile Courts of the Parish of East Baton Rouge. The Family Court had continuing exclusive jurisdiction to enforce its judgment under the facts

presented. *See State v. Wade*, 03-1364, pp. 3-4 (La. App. 1st Cir. 12/3/03), 868 So.2d 110, 112-13.

L.F.G. filed a peremptory exception of no right of action and a motion for sanctions in this court, contending that the State was not a proper party to seek enforcement of the support order and that its conduct in pursuing this appeal is sanctionable under La. C.C.P. art. 863. We disagree. The State is clearly a proper party to seek enforcement in a court of proper subject matter jurisdiction, and we cannot conclude that its position on that jurisdictional issue was in any way violative of La. C.C.P. art. 863. Accordingly, we overrule the exception and deny the motion for sanctions.

We affirm the judgment of the Juvenile Court through this summary disposition, in accordance with Rules 2-16.2(A)(2), (5), (6), (8), and (10) of the Uniform Rules of the Louisiana Courts of Appeal. All costs of this appeal, in the amount of \$319.00, are assessed to the State of Louisiana.

**EXCEPTION OVERRULED AND MOTION DENIED;
AFFIRMED.**