

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-131

DANIELLE LEE CROVETTO

versus

GIUSEPPE CROVETTO

ON APPEAL THE TWENTY-NINTH JUDICIAL DISTRICT COURT
PARISH OF ST. CHARLES, STATE OF LOUISIANA
NO. 94,939, DIVISION "C"
HONORABLE CONNIE M. AUCOIN, JUDGE PRESIDING

May 08, 2026

MARC E. JOHNSON
JUDGE

Panel composed of Judges Susan M. Chehardy,
Marc E. Johnson, and Scott U. Schlegel

JUDGMENT VACATED;
REMANDED WITH INSTRUCTIONS

MEJ
SMC
SUS

TRUE COPY



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DEPUTY CLERK

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JOHNSON, J.

Appellant, Danielle Lee Crovetto, appeals the December 10, 2025 judgment awarding her and her ex-husband, Appellee, Giuseppe Crovetto, shared custody of their children. For the following reasons, we vacate the district court's judgment and remand the matter for further proceedings.

FACTS AND PROCEDURAL HISTORY

Danielle and Giuseppe married in 2019 in Ascension Parish and established their matrimonial domicile in St. Charles Parish. Two children were born of the marriage, in 2021 and 2023. The couple separated in January 2024. In April 2024, Danielle filed a Petition for Divorce, to Establish Child Custody, and to Establish Child Support in The Family Court of East Baton Rouge Parish. In July 2024, Giuseppe filed a Declinatory Exception of Improper Venue and in the Alternative, Answer and Reconventional Demand to Plaintiff's Petition for Divorce and Other Incidental Relief. In August 2024, the EBR Family Court denied the declinatory exception, but transferred the matter to the 29th Judicial District Court for the Parish of St. Charles under the doctrine of forum non conveniens. The 29th Judicial District Court issued a Judgment of [La. C.C. art. 102] Divorce after a contradictory hearing on October 9, 2025.

On December 10, 2025, trial took place on the issues of custody, and designation of a domiciliary parent and school placement(s). The parties entered the following joint exhibits into evidence: Louisiana Department of Education School Grades information for Ascension and St. Charles Parishes; maps depicting the distances between the children's prospective schools and the parents' and other family members' homes; Danielle's paystubs; and the 2024 married, filing jointly tax return.

At the end of trial, the court ordered 1) the children to be enrolled in and attend St. Charles Parish schools; 2) the parties to share custody equally via alternating

week-long periods beginning with Giuseppe on Friday, December 12, 2025; 3) the children take the school bus to Giuseppe's home every Friday; 4) on the Fridays physical custody transfers to Danielle, the parties meet halfway in Laplace, LA to exchange custody; and 5) and each parent chooses a local primary care physician affiliated with Ochsner Medical System for the children.

On February 12, 2026, Danielle filed a motion for a devolutive appeal. The court approved the motion and issued its Reasons for Judgment (an excerpt from the December 10, 2025 trial transcript) a week later.

ASSIGNMENTS OF ERROR

1. The trial court committed legal error in failing to render a sufficient joint custody implementation order under La. R.S. 9:335.
2. The trial court committed legal error in misapplying La. C.C. art. 134 by conducting an incomplete best-interest analysis and failing to make the specific, child-focused factual findings necessary to support its decision.
3. The trial court erred in finding that it is in the children's best interest to attend school in St. Charles Parish.

Danielle contends that the district court committed legal error when it declined to designate a domiciliary parent, allocate decision-making authority, or order an emergency evacuation provision. Further, Danielle argues that the district court erred when it did not consider all the best interest factors provided by La. C.C. art. 134 and changed the children's school placement. Because the court's judgment was not sufficient under La. R.S. 9:335, Danielle argues our review should be *de novo*.

Giuseppe counters that the district court judge "clearly articulated an implementation order within her reasons for judgment." He further argues that La. R.S. 9:335(A)(2)(c) does not require a rigid evacuation schedule, but mandates provisions requiring the parties to engage in continuous communication regarding the children's safe evacuation and location during and after the emergency and an

interim custody plan; Giuseppe avers the order to use Our Family Wizard for all communication satisfies that requirement. He also argues that the district court clearly allocated equal parental authority and responsibility through its implementation order. Therefore, Giuseppe contends the court did not commit legal error when it declined to designate a domiciliary parent.

LAW AND DISCUSSION

It is well settled that, while each custody case must be viewed bearing in mind its own particular set of facts and circumstances, the paramount consideration in any determination of child custody is the best interest of the child. *Tracie F. v. Francisco D.*, 15-224, p. 20 (La. App. 5 Cir. 9/21/15), 174 So.3d 781, 794, *writ granted*, 15-1812 (La. 11/16/15), 184 So.3d 20, and *aff'd but criticized*, 15-1812 (La. 3/15/16), 188 So.3d 231. “Ordinarily, child custody cases are reviewed under the abuse of discretion standard.” *Normand v. Rizzo*, 24-62, p. 4 (La. App. 3 Cir. 9/10/24), 395 So.3d 923, 927. However, where one or more trial court legal errors interdict the fact-finding process, the manifest error/abuse of discretion standard is no longer applicable, and, if the record is otherwise complete, the appellate court should make its own independent de novo review of the record and determine the sufficiency of the evidence. *Id.*, *citing Evans v. Lungrin*, 97-0541, 97-577, pp. 6-7 (La. 2/6/98), 708 So.2d 731, 735. A legal error occurs when a trial court applies incorrect principles of law and such errors are prejudicial. *Tracie F. v. Francisco D.*, 188 So.3d at 247. Legal errors are prejudicial when they materially affect the outcome and deprive a party of substantial rights. *Id.* When a prejudicial error of law skews the trial court’s finding of a material issue of fact and causes it to pretermitt other issues, the appellate court is required, if it can, to render judgment on the record by applying the correct law and determining the essential material facts de novo. *Normand v. Rizzo*, 395 So.3d at 927, *citing Cook v. Sullivan*, 20-1471, pp. 6-7 (La. 9/30/21), 330 So.3d 152, 157.

Although La. R.S. 9:335(B)(1) provides that “[i]n a decree of joint custody the court *shall* designate a domiciliary parent,” the legislature provided two exceptions to this mandate: (1) “when there is an *implementation order* to the contrary” or (2) “for other good cause shown.” *Hodges v. Hodges*, 15-585, p. 13 (La. 11/23/15), 181 So.3d 700, 708–09. (Emphasis in original.) In other words, while La. R.S. 9:335(B)(1) provides a preference for the designation of “*a domiciliary parent*,” a court could choose not to designate a domiciliary parent at all and, instead, to allocate authority by means of an *implementation order*.” *Id.*, citing *Evans*, 708 So.2d at 737. (Emphasis in original.) Indeed, according to La. R.S. 9:335(A)(1), (2)(a), and (3), when joint custody is decreed and in the absence of “good cause shown,” a joint custody implementation order “shall allocate the time periods during which each parent shall have *physical custody* of the child” *and* “shall allocate the *legal authority and responsibility* of the parents”¹ *Id.* (Emphasis in original.)

In this case, the district court refused to designate a domiciliary parent, but “[j]oint custody obligates the parents to exchange information concerning the health, education, and welfare of the child and to confer with one another in **exercising decision-making authority**.” La. R.S. 9:336. (Emphasis added). The court did not name a domiciliary parent and reasoned,

because shared custody envisions that both parties will communicate regarding every detail of raising these children which should be the expectation but given the fact that these parties are going to live an hour

¹ The Louisiana Supreme Court explained in *Evans, supra*:

The term “custody” is usually broken down into two components: *physical* or “actual” *custody* and *legal custody*. The typical joint custody plan will allocate time periods for *physical custody* between parents so as to promote a sharing of the care and custody of the child in such a way as to ensure the child of frequent and continuing contact with both parents. George D. Ernest, III, *Joint Custody and Parents’ Liability Under Civil Code Article 2318*, 44 La. L.Rev. 1791 (1984). *Legal custody*, by contrast, has previously been defined as “the right or authority of a parent or parents, to make decisions concerning the child’s upbringing.” *See Ernest, supra*, at 1792, n.5.

708 So.2d at 737. (Emphasis in original).

apart from each other is going to require significant communication and the ability to communicate regarding the children's best interest,

as opposed to their own best interests. The parties were ordered to use Our Family Wizard exclusively to communicate regarding the children, and to make sure that the children have a primary care physician affiliated with Ochsner in both parishes. The court also decided the children would attend school in St. Charles Parish and set up the system for the parties to exchange physical custody once a week.

Admittedly, the judgment addresses many of the major issues the children and their parents will face, but it does not explicitly outline the legal authority and responsibility of each parent as the implementation order should under La. R.S. 9:335. Because the judgment does not "allocate the legal authority and responsibility of the parents" under La. R.S. 9:335(A)(3), we find the judgment does not constitute a joint custody implementation order sufficient to justify the district court's decision not to name a domiciliary parent. *See Wolfe v. Hanson*, 06-1434, p. 7 (La. App. 1 Cir. 5/2/08), 991 So.2d 13, 17–18, *writ denied*, 08-1205 (La. 6/27/08), 983 So.2d 1292.

Further, the record does not reflect a finding of good cause such that the designation of a domiciliary parent would not be required. *See id.*, citing *Walker v. Walker*, 38,982, p. 8 (La. App. 2 Cir. 8/18/04), 880 So.2d 956, 961–62. Here, the judge lamented that "there was no decision that [she] could make that would truly be in [the children's] best interest" but also observed that they were "very fortunate that they have such an enormous support system on both sides." She stated that she would not designate a domiciliary parent "because shared custody envisions that both parties will communicate regarding every detail of raising these children." The judge acknowledged the challenges that would come because the parties live an hour apart (such as the children having to travel two hours roundtrip each school day every other week). However, we are concerned that without a domiciliary parent,

and without more defined allocations of legal authority and responsibility, the family is left without enforceable guidance. *See J.P. v. A.D.*, 18-555, p. 6 (La. App. 3 Cir. 2/20/19), 265 So.3d 860, 865 (opining an open-ended statement, such as instructing the parties to have “**open communication** as to the health, welfare and education of the minor children does not “promote greater harmony between the parents” or “diffuse the opportunity for conflict.”). (Emphasis in original). The district court encouraged the parents to communicate, presumably to make major decisions for the children together, but there is no explanation as to why the general directive to communicate alleviates the need to name a domiciliary parent or issue a more specific implementation plan. *See Romadanova v. Chebanu*, 18-272 (La. App. 1 Cir. 1/8/19), 2019 WL 139389, at *16. Therefore, we must conclude in this case that the record does not contain evidence to support finding good cause sufficient to relieve the court of the statutory requirements of La. R.S. 9:335.

Here, although the district court’s judgment orders the parents to enroll in Our Family Wizard within 48 hours and communicate exclusively via the application, the written judgment does not clearly delineate the circumstances under which each parent has decision-making authority.

La. C.C. art. 134 lists fourteen factors for determining the best interest of the child, including:

- (1) The potential for the child to be abused, as defined by Children's Code Article 603, which shall be the primary consideration.
- (2) The love, affection, and other emotional ties between each party and the child.
- (3) The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.
- (4) The capacity and disposition of each party to provide the child with food, clothing, medical care, and other material needs.
- (5) The length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment.
- (6) The permanence, as a family unit, of the existing or proposed custodial home or homes.

- (7) The moral fitness of each party, insofar as it affects the welfare of the child.
- (8) The history of substance abuse, violence, or criminal activity of any party.
- (9) The mental and physical health of each party. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.
- (10) The home, school, and community history of the child.
- (11) The reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.
- (12) The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party, except when objectively substantial evidence of specific abusive, reckless, or illegal conduct has caused one party to have reasonable concerns for the child's safety or well-being while in the care of the other party.
- (13) The distance between the respective residences of the parties.
- (14) The responsibility for the care and rearing of the child previously exercised by each party.

The district court determined that factors 1, 8, 9, 11 and 12 were not at issue in this case, and factors 2, 3, 4, 6, 7, and 14 weigh equally in favor of both parents. The judge stated she would focus on factors 5, 10, and 13. The judge found that the children's educational placement and community were settled in St. Charles before Danielle's move to Ascension Parish, which was ultimately found to be in Danielle's best interest and not the children's. However, we find that further discussion by the district court of factors 3 and 13 may have allowed us to better review whether the judgment's orders were in the children's best interest. Additional analysis of the article 134 factors would enable us to evaluate whether the parents could collaborate successfully on decisions regarding the children's upbringing. As it now stands, the only the directives from the judgment/implementation plan relate to communication exclusively using Our Family Wizard, establishment of the physical custody schedule, enrollment in St. Charles Parish schools, and the selection of primary care physicians. It is not clear from the record how the proposed physical custody schedule, which requires a two-hour commute for the young children every other

week during the school year, is in the children’s best interest, especially as they develop and their desire to take part in extra-curricular activities increases.

Further, the judgment does not include a provision that mandates the parents “engage in continuous communication regarding the safe evacuation of the child, the location of the child during and after the emergency or disaster, **and an interim custody plan** for the child until the custody provisions of the judgment can be resumed in the event either party is required to evacuate this state with the children because of an emergency or disaster declared under the provisions of La. R.S. 29:721 et seq., or declared by federal authority”. *See* La. R.S. 9:355(A)(3). (Emphasis added). The implementation order must include a family protocol for dealing with emergencies that may disrupt the physical custody schedule. *See id.; Rigmaiden v. Dellafosse*, 22-816, p. 23 (La. App. 3 Cir. 3/29/23), 364 So.3d 472, 489. A directive to communicate using Our Family Wizard does not satisfy the statutory requirement in this instance.

Therefore, we find that the district court committed legal error in its failure to name a domiciliary parent, and “abused its discretion in failing to issue a valid implementation order or find good cause for not naming a domiciliary parent”, pursuant to La. R.S. 9:335. *See Tripp v. Gener*, 55,132, p. 17 (La. App. 2 Cir. 4/26/23), 362 So.3d 1265, 1274; *but see Smith v. Harmon*, 21-772, p. 13 (La. App. 3 Cir. 4/6/22), 337 So.3d 912, 920 (finding no error with the trial court’s refusal to name a domiciliary parent because “the joint custody plan constitutes a valid implementation order since it provides for the allocation of specific time periods during which each party has physical custody of the child, includes a provision concerning evacuation because of an emergency or declared disaster, and allocates the legal authority of the parties as required by La. R.S. 9:335.”).

Finally, we find that the written judgment does not constitute a sufficient implementation order. Although the district court’s reasons for judgment may have

comprised a valid implementation order had they been included in the written judgment, they were not. Reasons for judgment provide insight into the trial court's rulings; they are not a part of the judgment itself. *See In re L. D. B.*, 18-205, p. 12 (La. App. 5 Cir. 10/17/18), 258 So.3d 963, 973 n.7, writ denied sub nom. *In re L.D.B.*, 18-1864 (La. 2/11/19), 263 So.3d 1151. "It is well settled that a final judgment must be precise, definite, and certain." *In re Interdiction of Metzler*, 15-982, p. 3 (La. App. 1 Cir. 2/22/16), 189 So.3d 467, 469. "The specific relief granted should be determinable from the judgment without reference to an extrinsic source such as pleadings or reasons for judgment." *Id.* The orders contained in the instant judgment are clear, but to the extent the judgment is an implementation plan, the judgment is deficient; the written judgment as an implementation plan does not clearly allocate legal authority and responsibility for all major decisions as required by La. R.S. 9:335. *See Romadanova*, 2019 WL 139389 at *15-16.

Because we find there is not a valid implementation order in this instance, and "a first-hand view of witnesses is essential to a fair resolution" of this issue, we remand this matter to the district court with instructions. *See LeBlanc v. Welch*, 17-908, p. 14 (La. App. 3 Cir. 3/21/18), 240 So.3d 291, 301. Therefore, we decline to review the record *de novo* in this matter. *See Hodges*, 181 So.3d at 712. The district court shall reconsider whether a domiciliary parent should be named, and either 1) name a domiciliary parent, 2) include good cause findings explaining why it chose not to do so in a written judgment, or 3) issue an implementation order that allocates the physical and legal custody of the children as required under La. R.S. 9:335.

Accordingly, we pretermitt further discussion of the assignments of error regarding the district court's analysis of the factors found in La. C.C. art. 134 or whether attending St. Charles Parish schools is in the children's best interest.

DECREE

Considering the foregoing, we vacate the district court's December 10, 2025 judgment and remand the matter with instructions to either 1) name a domiciliary parent; 2) find and enumerate good cause not to do so in its written judgment; or 3) issue a comprehensive implementation order pursuant to La. R.S. 9:335.

JUDGMENT VACATED;
REMANDED WITH INSTRUCTIONS

SUSAN M. CHEHARDY
CHIEF JUDGE

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JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **MAY 8, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-CA-131

E-NOTIFIED

29TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE CONNIE M. AUCOIN (DISTRICT JUDGE)

ELIZABETH K. FOX (APPELLANT)

ARITA M. L. BOHANNAN (APPELLEE)

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