

LOUISIANA COURT OF APPEAL, THIRD CIRCUIT

Jamie Lynne Chaney v. Richard Albert Roshto

Chaney v. Roshto · No. 25-725 · Decided June 3, 2026

SUMMARY

The Louisiana Third Circuit affirmed a judgment maintaining joint custody, designating Richard Albert Roshto as the domiciliary parent, and establishing visitation for Jamie Lynne Chaney. The court rejected challenges concerning denial of a continuance, exclusion of undisclosed witnesses and exhibits, involuntary dismissal of the relocation request, the scope of the pleadings, application of the Bergeron standard, factual findings, and communication restrictions. The opinion addresses custody modification, relocation, procedural compliance with local court rules, and standards of appellate review.

CASE DETAILS

COURT	Louisiana Court of Appeal, Third Circuit
WRITING FOR THE COURT	Sharon Darville Wilson; Gary J. Ortego; Clayton Davis
JURISDICTION	Louisiana Court of Appeal, Third Circuit
DECIDED	June 3, 2026
DOCKET	25-725
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment maintaining joint custody, designating Richard Albert Roshto as domiciliary parent, establishing Jamie Lynne Chaney's custodial periods and communication schedule, and dismissing Chaney's rule to modify custody for relocation and contempt.
STANDARD OF REVIEW	Custody decisions and rulings on continuances and motions to strike or exclude evidence are reviewed for abuse of discretion; factual findings supporting involuntary dismissal and custody decisions are reviewed under the manifest error standard. An erroneous application of law is reviewed de novo.
PRECEDENTIAL VALUE	unpublished and not designated for publication
PARTIES	Jamie Lynne Chaney v. Richard Albert Roshto

TOPICS

child custody

relocation

appellate procedure

standard of review

evidence

PRACTICE AREAS

family law

child custody

relocation

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying Chaney's oral motion to continue the custody trial.
2. Whether the district court abused its discretion by excluding witnesses and exhibits that Chaney had not disclosed under the applicable Fifteenth Judicial District local rule.
3. Whether the district court properly granted involuntary dismissal of Chaney's rule for relocation and contempt without an additional relocation analysis.
4. Whether the district court exceeded the scope of the pleadings by adjudicating Roshto's request to modify domiciliary custody when that request was allegedly not set for trial.
5. Whether Roshto satisfied the Bergeron burden for changing a considered custody decree.
6. Whether the district court's factual findings concerning relocation and the child's best interests were manifestly erroneous.
7. Whether the district court improperly restricted Chaney's telephone communication with F.C.

HOLDINGS

1. The district court did not abuse its discretion in denying Chaney's second request for a continuance because the matter had been pending for approximately a year, the trial had already been re-fixed once, and Chaney did not establish good ground for another continuance.
2. The district court did not abuse its discretion by granting Roshto's motion to exclude witnesses and exhibits that Chaney had not disclosed in accordance with the Fifteenth Judicial District's local disclosure rule.
3. The district court properly granted involuntary dismissal of Chaney's relocation claim because she failed to prove by a preponderance of the evidence that the proposed relocation was made in good faith and was in F.C.'s best interest.
4. The district court did not exceed the scope of the pleadings by adjudicating the request to modify domiciliary custody and designating Roshto as domiciliary parent.
5. Roshto met the Bergeron clear-and-convincing-evidence burden, and the district court did not err in modifying the considered custody decree to designate him as domiciliary parent while maintaining joint custody.
6. The district court acted within its discretion in limiting Chaney's telephone communication with F.C. to specified days and times.

KEY QUOTATIONS

“When a trial court has made a considered decree of permanent custody the party seeking a change bears a heavy burden of proving that the continuation of the present custody is so deleterious to the child as to justify a modification of the custody decree, or of proving by clear and convincing evidence that the harm likely to be caused by a change of environment is substantially outweighed by its advantages to the child.” (13)

FACTUAL BACKGROUND

F.C. was born prematurely in 2013 and has significant medical and developmental conditions. The parties' 2017 considered decree maintained joint custody with Chaney as primary domiciliary parent. In 2024, Chaney moved to Texas without F.C., asserting that relocation would place the child closer to specialists at Texas Children's Hospital. Roshto obtained temporary custody and sought modification, and after trial the district court found that Roshto could provide greater stability and that Chaney failed to prove the relocation was in the child's best interest.

PROCEDURAL HISTORY

The parties had operated under a 2017 considered custody decree maintaining joint custody and designating Chaney as the primary domiciliary parent. After Chaney moved to Texas without the child, Roshto obtained temporary ex parte sole custody and filed for custody modification and opposition to relocation. Chaney filed a rule to modify custody for relocation and contempt. Following an August 2025 trial, the district court denied Chaney's continuance request, excluded undisclosed witnesses and exhibits, involuntarily dismissed her relocation rule, and modified domiciliary custody in Roshto's favor. The court of appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Rodock v. Pommier, 16-809 (La.App. 3 Cir. 2/1/17), 225 So.3d 512, writ denied, 17-631 (La. 5/1/17), 221 So.3d 70
- Richard v. Hawthorne, 15-559 (La.App. 5 Cir. 5/12/16), 192 So.3d 273, 278
- Geiger v. State ex rel. Dep't of Health & Hosp., 01-2206 (La. 4/12/02), 815 So.2d 80
- Thomas v. Duhon, 19-366 (La.App. 3 Cir. 11/6/19), 283 So.3d 1077
- Hawthorne v. Hawthorne, 96-89 (La.App. 3 Cir. 5/22/96), 676 So.2d 619, writ denied, 96-1650 (La. 10/25/96), 681 So.2d 365
- Carranza v. Carranza, 18-971 (La.App. 3 Cir. 6/5/19), 276 So.3d 1028
- Buller v. Buller, 22-660, 22-661 (La.App. 3 Cir. 3/22/23), 363 So.3d 574, 577
- Moffett v. Moffett, 21-594 (La.App. 3 Cir. 2/23/22), 335 So.3d 317, 320, writ denied, 22-522 (La. 5/3/22), 337 So.3d 161
- Cooper v. Chamberlain, 18-617, 18-618, 18-619, 18-620 (La.App. 4 Cir. 12/12/18), 266 So.3d 316
- James v. Our Lady of Lourdes, Inc., 18-368 (La.App. 3 Cir. 12/12/18), 261 So.3d 921, 923-24
- In re Ginger Evelyn Brazzel 2011 Inter Vivos Trust, 56,702 (La.App. 2 Cir. 12/10/25), 427 So.3d 335, 339

- *Ardoin v. Bourgeois*, 04-1663 (La.App. 3 Cir. 11/2/05), 916 So.2d 329, 332
- *Tran v. Collins*, 20-246 (La.App. 4 Cir. 8/20/21), 326 So.3d 1274, 1279
- *Torrance v. Caddo Par. Police Jury*, 119 So.2d 617, 619 (La.App. 2 Cir. 1960)
- *Carollo v. Carollo*, 13-10 (La.App. 1 Cir. 5/31/13), 118 So.3d 53, 61-62
- *Ussery v. Ussery*, 583 So.2d 838, 841 (La.App. 2 Cir. 1991)
- *Bergeron v. Bergeron*, 492 So.2d 1193 (La. 1986)
- *Tracie F. v. Francisco D.*, 15-1812 (La. 3/15/16), 188 So.3d 231, 239
- *Angelica v. Angelica*, 25-453 (La.App. 5 Cir. 4/1/26), ___ So.3d ___
- *Galland v. Galland*, 14-343 (La.App. 3 Cir. 11/26/14), 152 So.3d 1090, 1096, writ denied, 15-319 (La. 4/17/15), 168 So.3d 404
- *Mercer v. Mercer*, 52,101 (La.App. 2 Cir. 4/11/18), 249 So.3d 924, 930-31, writ denied, 18-808 (La. 6/15/18), 257 So.3d 681
- *Lawson v. Lawson*, 311 So.2d 624 (La.App. 3 Cir. 1975)
- *Deville v. Watch Tower Bible & Tract Soc., Inc.*, 503 So.2d 705, 706 (La.App. 3 Cir. 1987)

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