

Judgment rendered August 26, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 2166,
La. C.C.P.

No. 57,088-CA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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HEATHER MARIE CAMPBELL
LESTER

Plaintiff-Appellant

versus

JAMES VANCE LESTER

Defendant-Appellee

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Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 619,181

Honorable Karelia R. Stewart, Judge

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MINIFIELD & HARPER
By: Pamela Rene Harper

Counsel for Appellant

THE LAW OFFICE OF
CHRISTOPHER M. STAHL
By: Christopher M. Stahl

Counsel for Appellee

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Before PITMAN, ROBINSON, and HUNTER, JJ.

ROBINSON, J.

Heather Hagmeyer (“Heather”) appeals a judgment naming her former husband, James Lester (“James”), as the domiciliary parent of their two children. For the following reasons, we affirm the judgment.

FACTS

Heather and James married on April 29, 2006. Two children, CL and AL, were born during the marriage. CL was born on August 26, 2014. AL was born on December 3, 2015. The couple separated in 2018.

On September 11, 2019, Heather filed a petition for a La. C.C. art. 103 divorce. She sought shared custody of the children with the parties alternating visitation every other week.

A judgment of divorce was rendered on October 2, 2019. The parties were to share custody of the children, with the parties alternating visitation every other week. No domiciliary parent was designated.

Heather began dating Eric Hagmeyer in 2019, and she married him in 2023. James married Heather Bays in June of 2023, after they had been in a relationship since July of 2022.

In June of 2024, James took his family on vacation to Colorado. Before they left, Heather told James that CL may have been exposed to a bacterial infection. CL vomited when they arrived in Dallas, so James took CL to a Quick Care medical facility. The doctor there thought it was a viral infection, but prescribed antibiotics in case CL’s condition worsened. With a few days remaining in the trip, James brought CL to an onsite Nurse Practitioner (“NP”) because he continued to feel unwell. She said CL’s

vitals were fine and suggested letting the virus run its course. CL returned to the NP the day before they left because he looked pale.

Upon returning to Bossier City late on Saturday night, James exchanged custody with Heather's parents because Heather was in Texas and they could not agree on an exchange location in Texas. James claimed that he told Heather's mother that CL needed to go to the doctor in the morning. Heather took CL to a pediatrician on Monday after he vomited, and he was subsequently admitted to the hospital for nearly a week for treatment of an infection.

On July 8, 2024, Heather filed a rule to show cause seeking to have CL's visitation with James suspended until his health improved. She also sought a Joint Custody Implementation Plan ("JCIP"), the continuation of shared custody, and that she be named as domiciliary parent.

James filed an answer and a reconventional demand. He maintained that the *ex parte* order suspending visitation was not in compliance with La. C.C.P. art. 3945, and he sought an immediate order rescinding it. James wanted to continue with shared physical custody, but with him as the domiciliary parent and subject to a JCIP.

On July 29, 2024, the trial court vacated the order suspending visitation. On November 18, 2024, the court rendered judgment awarding shared custody subject to a JCIP.

Trial

In 2025, the court heard testimony concerning the domiciliary parent issue on June 10, September 15, and September 24.

Heather testified at length about actions taken by James and decisions made by him which she believed disqualified him from being the domiciliary parent. Her complaints mostly centered around the following:

- The latter part of the Colorado trip fell on her weekend. She had asked James to reschedule it, and his response was that their plane tickets were not refundable. In addition, James did not keep her completely updated on CL's health while they were in Colorado.
- She was unable to attend several medical appointments because she was unaware that they had been scheduled. James has rescheduled other appointments without informing her.
- She almost missed a doctor's appointment for CL when James did not tell her that he and her son had been brought to the exam room early.
- She learned for the first time at a doctor's appointment that James had switched the children's health insurance to his wife's insurer. At a later doctor's appointment, she learned that James was no longer using his wife's insurance. James has not provided her with a new insurance card.
- AL was referred by her pediatrician to an endocrinologist at Ochsner. James unilaterally switched to an endocrinologist at Willis Knighton.
- James did not inform her when he had taken the children to Quick Care during his week.
- The children are often starving when they return from James's house because they eat plant-based chicken nuggets and wheat bread while there. They also only get two little pieces of French toast sticks for breakfast.
- James forces AL to interact with a friend who bullies her.
- AL takes Levothyroxine every day, while CL takes a multivitamin and folic acid. James only gives her the exact number of pills that the children will need to take while with her. She is also never told when prescriptions are ready.
- James had signed the children up for numerous extracurricular activities without discussing it with her beforehand.

- James listed him and his wife as emergency contacts for a school field trip.
- James hired a tutor for AL during his week without discussing it with her.
- She used to call the kids multiple times each day, but after James remarried, she was no longer able to call the children as often. After court intervention, she now calls them every day, although James limits the calls to ten minutes. James does not call the children when they are at her home.
- For CL's birthday in August of 2024, she asked James for the addresses of his parents and of his wife's family in order to send them party invitations because CL really wanted them there, but James refused to give her the addresses. James has not invited her or her family to other birthday parties that he has hosted. Before the JCIP, she did not see the children on their birthdays because they fell on James's week.
- CL asked if they were "drunkards and druggers," and said that was what his paternal grandmother told him. She also said that they were not God's people.
- James wants to keep his family separate from her family. James has told her that the children have two families, and he will remain focused on building his own.
- She learned from AL that she was getting baptized. When she asked James about it, he replied that it was not his responsibility to tell her about it. She contacted the church to find out when the baptism was going to occur. James told her that CL was being baptized two days beforehand. In addition, he would not allow the children to attend their cousin's baptism.
- James is not flexible with exchanges. She cited one instance when she asked James if they could be flexible with the exchange because they would be busy with Thanksgiving cooking, and he replied that exchanges could only occur at the designated locations.
- James will not give her the contact information for any family hosting a sleepover attended by the children.

Ruling

The court noted that Heather acknowledged that James was responsible during their marriage for registering the children for school. The court believed that under the circumstances, James was the more appropriate person to be named as the domiciliary parent. The court concluded that more of the evidence supported James being named as the domiciliary parent.

On November 17, 2025, the court rendered judgment designating James as the domiciliary parent. The judgment further stated that James and Heather shall be listed as emergency contacts on all school platforms, that James and Heather shall input any and all information regarding the children onto the Our Family Wizard app, and that all family vacations and trips were to be scheduled during the custodial parent's week of physical custody. Heather has appealed.

DISCUSSION

Heather argues on appeal that the trial court did not consider the twelfth factor of La. C.C. art. 134 when it designated James as the domiciliary parent. That factor is 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.”

The paramount consideration in any determination of child custody is the best interest of the child. La. C.C. art. 131; *Abrams v. Turner*, 52,922

(La. App. 2 Cir. 9/25/19), 282 So. 3d 304. The best interest of the child is the sole criterion to be met in making a custody award, as the trial court sits as a sort of fiduciary on behalf of the child and must pursue actively that course of conduct which will be of the greatest benefit to the child. *Hodges v. Hodges*, 15-0585 (La. 11/23/15), 181 So. 3d 700; *Rasbury v. Rasbury*, 56,391 (La. App. 2 Cir. 7/16/25), 418 So. 3d 483. The non-exclusive list of relevant factors to be considered in determining the best interest of the child is found in La. C.C. art. 134.

While the court is not bound to make a mechanical evaluation of all the statutory factors listed in La. C.C. art. 134, it should decide each case on its own facts in light of those factors. *Harris v. Rogers*, 56,915 (La. App. 2 Cir. 7/15/26), 2026 WL 2035834, ___ So. 3d ___; *Abrams, supra*. Nor is the court bound to give more weight to one factor over another; rather, when determining the best interest of the child, the factors must be weighed and balanced in view of the evidence presented. *Id.* The factors are provided as a guide to the court, and the relative weight given to each factor is left to the discretion of the trial court. *Id.*

A trial court's determination in the establishment of custody is entitled to great weight and will not be reversed on appeal unless an abuse of discretion is clearly shown. *Thompson v. Thompson*, 532 So. 2d 101 (La. 1988); *Rasbury, supra*.

Heather works in a retail consignment store owned by her family, and she also helps her husband with his painting business. At the time of trial, Heather had been living in a home in Bossier for less than two years and was

buying it. That is her eighth home since the separation. In several instances, she was forced to move because of mold or electrical problems.

James is a software developer for a Shreveport business. He lived in the family home in Keithville for about a year after the separation, then moved to a home in Bossier City, where he lived for one year. He built a home in Bossier City where he has lived since May of 2020.

Heather testified that at first, the children would go back and forth, and there were times when she would not have custody for an entire week.

She also testified that she allowed James to schedule medical and dental appointments when they divorced because she felt sorry for him and she wanted him to have something to do. James went to all the appointments. Heather agreed that it was fair to say that up until 2024, James had been primarily responsible for seeing to the children's medical needs.

According to Heather, James registered the children each school year because she did not understand how to register them over a zoom call. They have both registered the children for the last couple of years of school.

When Heather had to work early, she would often bring the children to James in the morning to get them to school. Sometimes, the children were not dressed or had not been fed breakfast when they arrived at James's home.

Heather wanted to enroll the children at University Elementary in Shreveport for the 2023-2024 school year because it was close to her home at the time, she had gone there, and University's earlier starting time would have helped her. James objected to it, so she dropped it.

Heather acknowledged that James has always carried the children on his insurance, and until the JCIP was implemented, he did not ask her to reimburse him for what he paid for medical insurance.

Heather testified that being domiciliary parent meant being able to keep one big family for the children. If she were made domiciliary parent, she would continue to have a willingness to involve James with the children, and to encourage the children to maintain a relationship with their father.

Heather feared that James, in the role of domiciliary parent, would not notify her of events in the children's lives. She wanted to be involved in decisions about the children.

Emily Lester, James's mother, testified that she kept the children at her home after school for about four years. Later, she would meet the school bus and then watch the children at James's home. She further testified that James had the kids most of the time from 2018 to 2023, and during that time frame, James made the medical and dental appointments and took the kids to them. She went to most of those appointments with James. She denied referring to Heather and her husband as "drunkards and druggers," or saying that they were going to Hell.

James testified that they started out with a 50-50 custody arrangement, but it quickly became 70-30, and he sometimes had the children for two weeks in a row. He described the custody routine as sporadic and random, and that for four years, he had the children more than Heather did.

James testified that Heather would not be at many medical and dental appointments, but she has come to every appointment since seeking domiciliary status. He also testified that he placed the children in daycare

when they were younger, and he has been primarily responsible for registering the kids for school and getting their after-school activities set up. He did not think that Heather was very involved in school matters before she sought domiciliary status.

Regarding what happened with the endocrinologist, James testified that AL was seen by a NP at Ochsner. Ochsner is not in his insurance network, so he told Heather that he would switch AL to an endocrinologist at Willis Knighton unless she agreed to pay half of the bill.

James testified that he tried to keep Heather informed about anything involving the children. He felt that prior to July of 2024, she was not very responsive when he gave her information about their medical treatment and school-related activities. She never asked to see the children on their birthdays. He told Heather that he placed an insurance card in an envelope in CL's backpack, but the envelope was unopened when CL returned the next week. He believed that he provided the children with normal food when they were with him. He did not invite Heather or her family to the children's birthday parties because they are small gatherings with just immediate family members present.

James was not pleased that Heather allowed the children to watch a movie about zombies in 2023, or that she permitted a seven-year-old CL to get his ears pierced over his objection. He testified that CL accused him of lying and taking his mother's trailer and cooking pots, and CL also told him that Heather is always griping about him.

James did not believe that Heather exercised good judgment or was in a position of stability. He feared that, if she were domiciliary parent, she

would move them from their schools based on her history of frequent moves, change their doctors, upend what is familiar to them, and give them full access to online entertainment choices. Heather complains that he allows CL to play a violent video game.

James testified that if he were designated domiciliary parent, he would continue to keep Heather informed of all medical and dental appointments and school matters, and would include her in discussions about decisions about the children.

It is apparent from the record that both parents care deeply about the children and desire what is best for them. Based on our review of the record, we cannot conclude that the trial court abused its discretion in designating James as the domiciliary parent.

Deficient brief

James argues that Heather's appellant brief is deficient because it contains five pages of facts without corresponding references to page numbers in the record. He maintains that the argument should be struck. Under the circumstances of this case, we find that striking or not considering the argument would be unnecessarily harsh.

CONCLUSION

At Heather's costs, the judgment is AFFIRMED.