

Fifth Circuit Court of Appeal State of Louisiana

No. 26-C-307

DOMINICK IMPASTATO, III

versus

SHANNON IMPASTATO

IN RE DR. STEPHANIE HAYWOOD
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
LEE V. FAULKNER, JR., DIVISION "P", No. 826-506

TRUE COPY

August 31, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,
Timothy S. Marcel, and Michael P. Mentz, Pro Tempore

WRIT GRANTED

Dr. Stephanie Haywood, a parenting coordinator appointed in a custody dispute, seeks supervisory review of a May 6, 2026 judgment of the district court denying her “Motion to Vacate Exparte [sic] Orders to Call Parenting Coordinator to Testify.” The *ex parte* orders were filed by defendant, Shannon Impastato, calling for her to testify as a witness at the custody trial and for deposition. The custody trial is currently set to commence on August 18, 2026.

The parenting coordinator is a statutorily created role for assisting parties in reaching agreements to resolve disputes in child

custody cases. La. R.S. 9:358.4. Credentials required for parenting coordinator appointment include Louisiana licensure as a mental health professional, three years of professional post-degree experience, completion of specialized parenting coordination training, and possessing qualified mediator requirements under La. R.S. 9:334.

In furtherance of the parenting coordinator's purpose for facilitating extrajudicial settlements of child custody disputes, the Legislature has restricted their involvement in the parties' litigation. Specifically, La. R.S. 9:358.5 states, "A. The parenting coordinator shall not be called as a witness in the child custody proceedings without prior court approval." Only a few reported cases have interpreted this statute. While the official comments are not law, they may be considered persuasive authority, and to that extent, provide guidance:

- (a) Paragraph A allows the parties to call the parenting coordinator as a witness only with permission of the court. The approval of a parenting coordinator to be a witness does not require a contradictory hearing. Compare Evidence Code Article 507 which requires court approval and a hearing before a lawyer may be called as a witness in a criminal case. A judge should not authorize the issuance of a subpoena to a parenting coordinator unless the calling party demonstrates a need for the testimony and that the evidence cannot be adduced from other sources. The court may not call the parenting coordinator as a witness on its own motion. See C.E. Art. 614. (Emphasis supplied.)

In her first *ex parte* motion to call Dr. Haywood as a witness filed on August 27, 2025 and granted a few days after on September 2, 2025, Mrs. Impastato stated as the reason for her request only that "[t]he Court will benefit from hearing from Stephanie Haywood regarding her work with the parents on this issue." There is nothing in this statement

indicative of a need for Dr. Haywood's testimony or that her testimony could not be adduced elsewhere.

In her second *ex parte* motion, filed on February 2, 2026 and granted a day later, Mrs. Impastato made additional allegations that Dr. Haywood, in her role as parenting coordinator, had sent correspondence directly to the District Court Judge concerning the parenting coordination process. Mrs. Impastato also averred that she had already sought and was granted the right to call Dr. Haywood in her previous motion. We note Dr. Haywood's appointment as parenting coordinator in this case ended on January 29, 2026.

On the showing made, we find that the trial court erred in granting these unsupported *ex parte* motions. Nothing in them indicates a need for Dr. Haywood's testimony or that the information such testimony could contain may not be elicited elsewhere. Consequently, we find that the trial court erred in denying Dr. Haywood's motion to vacate. Accordingly, we grant this writ application and reverse the May 6, 2026 judgment of the trial court. The *ex parte* September 2, 2025 and February 3, 2026 orders of the trial court allowing Dr. Haywood to be deposed and called as witness are hereby vacated.

Gretna, Louisiana, this 31st day of August, 2026.

TSM
SJW
MPM

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **08/31/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-C-307

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Lee V. Faulkner, Jr. (DISTRICT JUDGE)
Rebecca A. Gilson (Respondent)

Shaye R. Lirette (Relator)

MAILED

Lucas M. Bernard (Respondent)
Attorney at Law
200 North Cate Street
Hammond, LA 70401

Stephen G. deLaup (Respondent)
Attorney at Law
3421 North Causeway Boulevard
Suite 408
Metairie, LA 70002