

SENATE BILL NO. 72

BY SENATOR CONNICK

AN ACT

To amend and reenact Children's Code Art. 657, 658, 763, and 764, relative to juvenile court proceedings; to remove the authority of the juvenile court to dismiss petitions in Child in Need of Care and Families in Need of Services petitions on its own motion; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 657, 658, 763 and 764 are hereby amended and reenacted to read as follows:

Art. 657. Motions to dismiss

A. All objections to the proceedings, including objections based on defects in the petition and defenses capable of determination as a matter of law, may be raised by a motion to dismiss.

B. Upon a finding of grounds to dismiss the petition as provided in Paragraph A of this Article, the court shall order that the petition be dismissed.

Art. 658. Dismissal of petition

~~A. For good cause, the court may dismiss a petition on its own motion, or on the motion of the child or the parent.~~

~~B.~~ The court shall dismiss a petition on the motion of the petitioner.

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Art. 763. Motions to dismiss

A. All objections to the proceedings, including objections based on defects in the petition and defenses capable of determination as a matter of law, may be raised by motion to dismiss.

B. Upon a finding of grounds to dismiss the petition as provided in Paragraph A of this Article, the court shall order that the petition be dismissed.

Art. 764. Dismissal of petition

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- A. ~~For good cause, the court may dismiss a petition on its own motion, or on~~
- 2
- ~~the motion of the child, the caretaker, or the person filing the petition.~~
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- B. The court shall dismiss a petition on the motion of the district attorney.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____