

2022 Regular Session

SENATE BILL NO. 72

BY SENATOR CONNICK

JUVENILE JUSTICE. Provides relative to the authority of juvenile courts in certain proceedings. (8/1/22)

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

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

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 72 Engrossed

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Connick

Present law allows the juvenile court to dismiss proceedings on its own motion or by motion of the child or parent in Child in Need of Care and Family in Need of Services proceedings, and requires the juvenile court to dismiss the proceedings on motion of the petitioner.

Proposed law removes the authority of the juvenile court to dismiss a Child in Need of Care or Family in Need of Services petition on its own motion or the motion of the parent or child to align with Act 172 of the 2011 Regular Session, which removed the authority of the juvenile court to dismiss a juvenile delinquency petition on its own motion or the motion of the parent or child.

Proposed law otherwise retains present law.

Effective August 1, 2022.

(Amends Ch. C. Art. 657, 658, 763, and 764)