

2018 Regular Session

HOUSE BILL NO. 373

BY REPRESENTATIVE JOHNSON

ADMINISTRATIVE LAW: Provides relative to judicial review of certain administrative decisions

1 AN ACT

2 To amend and reenact R.S. 49:964(A)(2), relative to administrative procedure; to provide
3 relative to judicial review of administrative decisions; to authorize the Department
4 of Children and Family Services to seek judicial review of certain decisions by the
5 division of administrative law; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:964(A)(2) is hereby amended and reenacted to read as follows:

8 §964. Judicial review of adjudication

9 A.

10 * * *

11 ~~(2)(a)~~ No agency or official thereof, or other person acting on behalf of an
12 agency or official thereof shall be entitled to judicial review under this Chapter.

13 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
14 the Department of Children and Family Services or an official thereof or other
15 person acting on behalf of the department or official in appeals brought pursuant to
16 Children's Code Article 616.1.1.

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 373 Original

2018 Regular Session

Johnson

Abstract: Authorizes the Dept. of Children and Family Services to seek judicial review of certain administrative decisions.

Present law (R.S. 49:950 et seq.—Administrative Procedure Act) provides procedures and requirements for adjudication proceedings by state agencies. Present law (R.S. 49:964) authorizes a person who is aggrieved by a final decision or order in an adjudication proceeding to seek judicial review. However, prohibits an agency from seeking judicial review pursuant to present law.

Proposed law retains present law, but provides an exception to authorize the Dept. of Children and Family Services to seek judicial review in appeals brought pursuant to present law (Ch. C. Art. 616.1.1) involving review by the division of administrative law of determinations by the department regarding reports alleging abuse or neglect.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:964(A)(2))