

2020 Regular Session

HOUSE BILL NO. 563

BY REPRESENTATIVE HILFERTY

JUVENILE PROCEDURE: Provides relative to the dismissal of a petition for families in need of services

1 AN ACT

2 To amend and reenact Children's Code Article 763, relative to families in need of services
3 proceedings; to provide relative to motions to dismiss a petition for families in need
4 of services; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 763 is hereby amended and reenacted to read as
7 follows:

8 Art. 763. Motions to dismiss

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

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

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 563 Original

2020 Regular Session

Hilferty

Abstract: Provides relative to the court's authority to dismiss a petition for families in need of services.

With regard to Families in Need of Services (FINS) proceedings, present law provides that 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.

Proposed law retains present law and adds that upon a finding of grounds to dismiss the petition as provided for in present law, the court shall order that the petition be dismissed.

(Amends Ch.C. Art. 763)