

SENATE BILL NO. 72

BY SENATOR CONNICK

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 Art. 657. Motions to dismiss

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

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

15 Art. 658. Dismissal of petition

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

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

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20 Art. 763. Motions to dismiss

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

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

26 Art. 764. Dismissal of petition

- 1 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.~~
3 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: _____