

2020 Regular Session

HOUSE BILL NO. 453

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact Children's Code Article 910, relative to modification of dispositions;  
3 to provide relative to a motion to modify a disposition; to require the motion to be  
4 served upon all parties; to provide relative to the circumstances under which a  
5 contradictory hearing is required; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 910 is hereby amended and reenacted to read as  
8 follows:

9 Art. 910. Modification procedure; generally applicable

10 A. Except as specially provided ~~hereinafter~~ in Articles 911 through 916, a  
11 motion for modification may be filed by the district attorney, the child, his parents,  
12 the custodian of the child, a probation officer, or the court. A motion for  
13 modification shall be in writing and shall set forth in plain and concise terms the  
14 facts supporting the modification. A motion for modification shall be served upon  
15 all parties at least three days prior to the hearing unless waived by the parties.

16 B. Any motion ~~to modify~~ for modification may be denied without a hearing.

17 C. ~~Except as provided in Article 897.1, when the motion to modify seeks the~~  
18 ~~imposition of less restrictive conditions, the court may modify a judgment without~~  
19 ~~a contradictory hearing.~~ Except as provided by Paragraph B of this Article, a motion  
20 for modification shall be tried at a contradictory hearing unless waived by the  
21 parties.

1           D. ~~When the motion to modify seeks the imposition of more restrictive~~  
2           ~~conditions, the court shall conduct a contradictory hearing, except upon the waiver~~  
3           ~~of the parties.~~

4           E. A judgment of disposition shall not be modified to release a child from  
5           the custody of a public or private mental institution or an institution for persons with  
6           mental illness without three days prior notice to the district attorney and the  
7           institution.

8           F.E. If a judgment of disposition is modified, a copy of the minute entry  
9           reflecting the modification shall be served upon the district attorney, the child, his  
10          parent, and any person, institution, or agency to whom custody of the child is  
11          assigned.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_