

2021 Regular Session

HOUSE BILL NO. 70

BY REPRESENTATIVE THOMAS

1 AN ACT

2 To amend and reenact Children's Code Articles 635(A) and (B), 750(B), (C), and (D), and
3 846(A) and (B) and to enact Children's Code Articles 635(C), 750(E), and 846(D),
4 relative to certain juvenile proceedings; to provide relative to petitions and summons
5 of certain juvenile proceedings; to provide relative to the amendment of certain
6 juvenile proceeding petitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 635(A) and (B), 750(B), (C), and (D), and
9 846(A) and (B) are hereby amended and reenacted and Children's Code Articles 635(C),
10 750(E), and 846(D) are hereby enacted to read as follows:

11 Art. 635. Amendment of petition

12 A. ~~With leave of court, the~~ The petitioner may amend the petition at any time
13 to cure defects of form, imperfection, omission, or uncertainty.

14 B. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner
15 may amend the petition to include new allegations of fact or requests for
16 adjudication. ~~However, if such leave is granted, the child or parent may request a~~
17 ~~continuance of the adjudication hearing. A continuance may be granted for such~~
18 ~~period as is required in the interest of justice.~~

19 C. On motion of the child or parent that he has been prejudiced in his
20 defense on the merits by defect of form, imperfection, omission, or uncertainty, the
21 court may grant a continuance for a reasonable time. In determining whether the
22 child or parent has been prejudiced in his defense upon the merits, the court shall
23 consider all circumstances of the case and the entire course of the proceedings.

24 * * *

1 Art. 750. Amendment of petition

2 * * *

3 B. ~~With leave of court, the~~ The petitioner may amend the petition at any time
4 to cure defects of form, imperfection, omission, or uncertainty.

5 C. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner
6 may amend the petition to include new allegations of fact or requests for
7 adjudication. ~~However, if such leave is granted, the child or parent may request a~~
8 ~~continuance of the adjudication hearing. A continuance may be granted for such~~
9 ~~period as is required in the interest of justice.~~

10 D. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner
11 may dismiss the family in need of services petition and instead file a petition which
12 alleges delinquency pursuant to Title VIII or that a child is in need of care pursuant
13 to Title VI.

14 E. On motion of the child or parent that he has been prejudiced in his defense
15 on the merits by defect of form, imperfection, omission, or uncertainty, the court
16 may grant a continuance for a reasonable time. In determining whether the child or
17 parent has been prejudiced in his defense upon the merits, the court shall consider
18 all circumstances of the case and the entire course of the proceedings.

19 * * *

20 Art. 846. Amendment of petition

21 A. ~~With leave of court, the~~ The petitioner may amend the petition at any time
22 to cure defects of form, imperfection, omission, or uncertainty.

23 B. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner
24 may amend the petition to include new allegations of fact or requests for
25 adjudication. ~~However, if such leave is granted, the child may request a continuance~~
26 ~~of the adjudication hearing. A continuance may be granted for such period as is~~
27 ~~required in the interest of justice.~~

28 * * *

29 D. On motion of the child that he has been prejudiced in his defense on the
30 merits by defect of form, imperfection, omission, or uncertainty, the court may grant

1 a continuance for a reasonable time. In determining whether the child has been
2 prejudiced in his defense upon the merits, the court shall consider all circumstances
3 of the case and the entire course of the prosecution.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____