

Regular Session, 2014

SENATE BILL NO. 72

BY SENATOR WHITE

CHILDREN'S CODE. Removes the requirement that certain petitions be verified. (8/1/14)

1 AN ACT

2 To amend and reenact Children's Code Articles 633, 748, 844 and 1018, relative to petitions
3 in certain proceedings; to remove the requirement of verification of such petitions;
4 to provide for certain terms, conditions and procedures; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Articles 633, 748, 844 and 1018 are hereby amended and
8 reenacted to read as follows:

9 Art. 633. Form of petition

10 A. The petition shall contain a caption setting forth the name of the court and
11 the title of the action. The petition shall be entitled, "The State of Louisiana in the
12 Interest of . . ."

13 B. Allegations of fact shall be simple, concise, and direct and shall be set
14 forth in numbered paragraphs. As far as practicable, each paragraph shall be limited
15 to a single set of circumstances.

16 ~~C. The petition shall be verified.~~ Allegations of fact may be made on
17 information and belief.

1 ~~D. C.~~ Failure to comply with formal requirements of this Article shall not be
 2 grounds for dismissal of a petition or invalidation of the proceedings unless it results
 3 in substantial prejudice.

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5 Art. 748. Form of petition

6 A. The petition shall contain a caption setting forth the name of the court and
 7 the title of the action. The petition shall be entitled, "The State of Louisiana in the
 8 Interest of . . .".

9 B. Allegations of fact shall be simple, concise, and direct and shall be set
 10 forth in numbered paragraphs. As far as practicable, each paragraph shall be limited
 11 to a single set of circumstances.

12 ~~C. The petition shall be verified.~~ Allegations of fact may be made on
 13 information and belief.

14 ~~D. C.~~ Failure to comply with formal requirements of this Article shall not be
 15 grounds for dismissal of a petition or invalidation of the proceedings unless it results
 16 in substantial prejudice.

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18 Art. 844. Form of petition

19 A. The petition shall contain a caption setting forth the name of the court and
 20 the title of the action. The petition shall be entitled, "The State of Louisiana in the
 21 Interest of . . .".

22 B. Allegations of fact shall be simple, concise, and direct and shall be set
 23 forth in numbered paragraphs. As far as practicable, each paragraph shall be limited
 24 to a single set of circumstances.

25 ~~C. The petition shall be verified.~~ Allegations of fact may be made on
 26 information and belief.

27 ~~D. C.~~ Failure to comply with formal requirements of this Article shall not be
 28 grounds for dismissal of a petition or invalidation of the proceedings unless it results
 29 in substantial prejudice.

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Art. 1018. Form of petition

A. The petition shall contain a caption setting forth the name of the court and the title of the action. The petition shall be entitled, "The State of Louisiana in the Interest of . . .".

B. Allegations of fact shall be simple, concise, and direct and shall be set forth in numbered paragraphs. As far as practicable, each paragraph shall be limited to a single set of circumstances.

~~C. The petition shall be verified.~~ Allegations of fact may be made on information and belief.

~~D. C.~~ Failure to comply with formal requirements of this Article shall not be grounds for dismissal of a petition or invalidation of the proceedings unless it results in substantial prejudice.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

White (SB 72)

Present law in Children's Code requires that petitions filed in child in need of care proceedings, family in need of services proceedings, juvenile delinquency proceedings and involuntary termination of parental right proceedings be verified.

Proposed law removes requirement that such petitions be verified.

Effective August 1, 2014.

(Amends Ch. C. Arts. 633, 748, 844 and 1018)