

2018 Regular Session

HOUSE BILL NO. 373

BY REPRESENTATIVE JOHNSON

ADMINISTRATIVE LAW: Provides relative to judicial review of certain administrative decisions

1 AN ACT

2 To amend and reenact R.S. 49:964(A)(2) and 992(B)(3), relative to administrative
3 procedure; to provide relative to judicial review of administrative decisions; to
4 authorize the Department of Children and Family Services to seek judicial review of
5 certain decisions by the division of administrative law; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 49:964(A)(2) and 992(B)(3) are hereby amended and reenacted to
9 read as follows:

10 §964. Judicial review of adjudication

11 A.

12 * * *

13 (2)(a) No agency or official thereof, or other person acting on behalf of an
14 agency or official thereof shall be entitled to judicial review under this Chapter.

15 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
16 the Department of Children and Family Services or an official thereof or other
17 person acting on behalf of the department or official in appeals brought pursuant to
18 Children's Code Article 616.1.1.

19 * * *

1 §992. Applicability; exemptions; attorney fees; court costs

2 * * *

3 B.

4 * * *

5 (3)(a) Nothing in this Section shall affect the right to or manner of judicial
6 appeal in any adjudication, irrespective of whether or not such adjudication is
7 commenced by the division or by an agency.

8 (b)(i) However, no agency or official thereof, or other person acting on
9 behalf of an agency or official thereof, shall be entitled to judicial review of a
10 decision made pursuant to this Chapter.

11 (ii) The provisions of Item (i) of this Subparagraph shall not apply to the
12 Department of Children and Family Services or an official thereof or other person
13 acting on behalf of the department or official in appeals brought pursuant to
14 Children's Code Article 616.1.1.

15 * * *

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

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 373 Engrossed

2018 Regular Session

Johnson

Abstract: Authorizes the Dept. of Children and Family Services to seek judicial review of certain administrative decisions.

Present law (R.S. 49:950 et seq.–Administrative Procedure Act) provides procedures and requirements for adjudication proceedings by state agencies. Present law (R.S. 49:991 et seq.) provides generally that the division of administrative law handles adjudications. Provides procedures, requirements, and exceptions. Present law (R.S. 49:964 and 992) generally authorizes a person who is aggrieved by a final decision or order in an adjudication

proceeding to seek judicial review. However, prohibits an agency from seeking judicial review pursuant to present law.

Proposed law retains present law, but provides an exception to authorize the Dept. of Children and Family Services to seek judicial review in appeals brought pursuant to present law (Ch. C. Art. 616.1.1) involving reports alleging abuse or neglect.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:964(A)(2) and 992(B)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add an exception to present law (R.S. 49:991 et seq.) to authorize the Dept. of Children and Family Services to seek judicial review in appeals of decisions by the division of administrative law brought pursuant to present law (Ch. C. Art. 616.1.1).