

RÉSUMÉ DIGEST

ACT 270 (HB 70)

2021 Regular Session

Thomas

Prior law provided that with leave of court the petitioner was authorized to amend the petition at anytime to cure defects of form.

Prior law further provided that with leave of court and prior to the adjudication hearing the petitioner was authorized to amend the petition to include new allegations of fact or requests for adjudication.

Prior law also provided that if such leave was granted, the child was authorized to request a continuance of the adjudication hearing and authorized a continuance to be granted for such a period as was required in the interest of justice.

New law removes the requirement to obtain leave of court to amend the petition or to include new allegations of fact or requests for adjudication.

New law adds imperfection, omission, and uncertainty as grounds for amending a petition in delinquency proceedings.

New law specifies that on the motion of the child that he has been prejudiced in his defense on the merits by defect of form, imperfection, omission, or uncertainty, the court may grant a continuance for a reasonable time.

New law requires the court to consider all circumstances of the case and the entire course of the prosecution in determining whether the child has been prejudiced in his defense on the merits.

Effective August 1, 2021.

(Amends Ch.C. Arts. 635(A) and (B), 750(B), (C), and (D), and 846 (A) and (B); Adds Ch.C. Arts. 635(C), 750(E), and 846(D))