

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA IN THE INTEREST OF M.P. No.2020-CK-00567

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IN RE: State of Louisiana - Applicant Other; Applying For Writ Of Certiorari, Parish of Orleans Criminal, Orleans Juvenile Court Number(s) 2018-352-13-DQ-B/E, Court of Appeal, Fourth Circuit, Number(s) 2020-CA-0083;  
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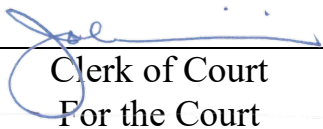
November 04, 2020

Writ application granted. See per curiam.

- BJJ
- JLW
- JDH
- SJC
- WJC
- JHB

Genovese, J., dissents.

Supreme Court of Louisiana  
November 04, 2020

  
Clerk of Court  
For the Court

11/04/20

**SUPREME COURT OF LOUISIANA**

**No. 2020-CK-00567**

**STATE OF LOUISIANA**

**IN THE INTEREST OF M.P.**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,  
FOURTH CIRCUIT, PARISH OF ORLEANS**

**PER CURIAM**

Writ granted. Children’s Code art. 877(A) sets forth the time limits for delinquency adjudication hearings such as the present one and provides: “If the child is not continued in custody, the adjudication hearing shall commence within ninety days of the appearance to answer the petition” Additionally, Children’s Code art. 877(D) provides: “For good cause, the court may extend such period.” Here, after the case was allotted to a different section because the original juvenile court judge granted the juvenile’s motion to recuse, the adjudication was continued several times until it finally occurred nearly seven months after the juvenile answered the petition. Though the juvenile objected to the continuances and findings of good cause, the juvenile never sought supervisory review of those adverse rulings, nor did the juvenile file a motion to dismiss, as required by Children’s Code art. 877(C) (“If the hearing has not been commenced timely, *upon motion of the child*, the court shall release a child continued in custody and shall dismiss the petition”) (emphasis added). As such, the court of appeal erred in reversing the juvenile court and in dismissing the adjudication as untimely commenced. *See In the interest of R.D.C.*, 93-1865 (La. 2/28/94), 632 So.2d 745, 748–49. Therefore, we reverse the ruling of the court of appeal. We reinstate the juvenile court’s adjudication and disposition.

**REVERSED**