

# IMPROVING COURT OUTCOMES THROUGH EFFECTIVE MOTIONS

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# PRESENTATION OVERVIEW

- ▶ What is a Motion?
- ▶ Why file a Motion in a Child in Need of Care (CINC) case?
- ▶ Who can file Motions in a CINC case?
- ▶ Preparation of Motions and Motion Hearings
- ▶ Specific Motions in CINC cases

# WHAT IS A MOTION?



- ▶ A written pleading asking the court to take a specific action
- ▶ Sometimes motions are made orally but the Louisiana Children's Code (La. Ch. C.) requires some motions to be in writing
- ▶ Also, can be titled a "Rule to Show Cause"

# WHY FILE A MOTION?

- ▶ When an issue needs to be addressed sooner than the next scheduled hearing date
- ▶ To notify all parties of an issue that a party believes needs to be addressed by the court

# WHO CAN FILE A MOTION?

▶ Any party to a case can file a motion

❖ Parties:

- Children
- Parents
- State/DCFS



# HOW TO PREPARE AND FILE MOTIONS

- ▶ Attorneys prepare and file motions
  - ❖ Include a form order
  - ❖ Request a hearing (unless *ex parte*)
  - ❖ Properly serve all parties
  - ❖ Issue subpoenas for witnesses if necessary



# HOW TO PREPARE FOR THE HEARING

## ▶ Attorneys:

- ❖ If you filed the motion, it is your burden of proof
- ❖ If you are responding to the motion, you may be conducting cross-examination
- ❖ Practice with your witnesses in advance of the hearing
- ❖ Make copies of exhibits for all parties
- ❖ May want to utilize a trial notebook



# HOW TO PREPARE FOR THE HEARING

- ▶ Caseworkers, CASA, providers and other witnesses:
  - ❖ “Guidelines for witnesses” handout
  - ❖ Witnesses need to prepare in advance of the hearing
    - ❖ Ask the attorney to help you prepare. If you do not hear from the attorney about preparing, contact the attorney.
    - ❖ Review timelines, case notes, etc.





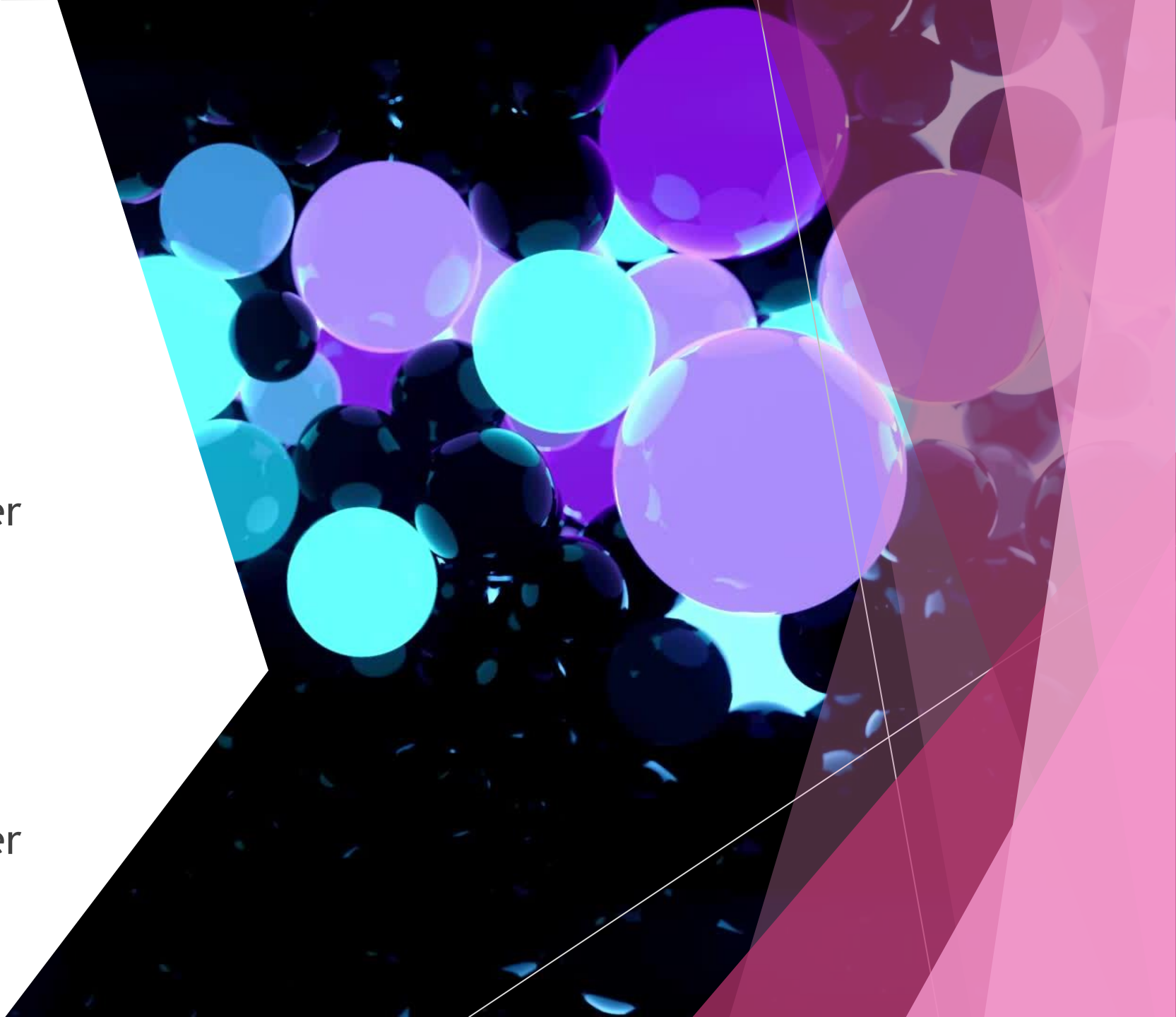
# GENERAL MOTIONS

## ▶ **Discovery**

- ❖ Draft motion card
- ❖ Draft motion and order template

## ▶ **Motion to modify disposition**

- ❖ Draft motion card
- ❖ Draft motion and order template



# EXAMPLES OF MOTIONS BY PARENTS

- ▶ Motion for increased family time
  - ❖ Draft motion card
- ▶ Peremptory Exceptions
- ▶ Motion for Sanctions

# EXAMPLES OF MOTIONS BY BGC

- ▶ Motion for Entry Orders
  - ❖ Draft motion card and motion and order template
- ▶ Motion for Evaluation Orders
  - ❖ Draft motion card
- ▶ Art. 672.1 Motion
  - ❖ Draft motion card and motion and order template
- ▶ Motion to Suspend Family Time (Visits)
  - ❖ Draft motion card



**QUESTIONS?**

# THANK YOU!

## Contact Information

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