

(b) Pre-Hearing Motions.

F. MOTIONS AND SERVICE OF PLEADINGS

RULE 8.130(b)-(c) 8.085 PREHEARING
MOTIONS AND
SERVICE

~~(b)~~(a) Pre-Hearing Prehearing
Motions.

(1) Motions in General.
Every motion made before a hearing and any pleading in response to the motion shall be in writing and shall be signed by the party making the motion or by his attorney. This requirement may be waived by the court for good cause shown.

(2) Motion to Dismiss. All defenses not raised by a plea of not guilty or denial of the allegations of the petition shall be made by a motion to dismiss the petition.

(i) If a motion to dismiss is granted the child who is detained under an order entered under Rule 8.040 may be continued in detention under the said order upon the representation that a new or amended petition will be filed.

(3) Motion to Suppress.
Any confession or admission obtained illegally or any evidence obtained by

(1) Motions in General. Every motion made before a hearing and any pleading in response to the motion shall be in writing and shall be signed by the party making the motion and his the party's attorney. [No further changes.]

(2) Motion to Dismiss. All defenses not raised by a plea of not guilty or denial of the allegations of the petition shall be made by a motion to dismiss the petition. ~~(i)~~If a motion to dismiss is granted the child who is detained under an order entered under Rule 8.040013 may be continued in detention under the said order upon the representation that a new or amended petition will be filed.

(3) -- (5) [No change]

The Florida Bar Board of Governors

recommendation: No where in the Rules of Juvenile Procedure is there a provision allowing a motion to dismiss civil cases have a summary judgment. Criminal cases have 3.19. If the state does not have a case, the child should be able to file a verified motion to dismiss, and the state should have to show proof that they do have a case to prevent a summary judgment, or file a traverse. A summary judgment, or motion to dismiss, in juvenile cases would save time because many juvenile cases are dismissed after hours of hearings where there just wasn't any proof. Many cases could be determined by such a motion. The Board of Governors recommend adding the same language which is in the criminal procedure rules 3.190(c)(4). The new language could be inserted in Rule 8.085(b)(6).

Vote: 26-0

The Juvenile Rules Committee voted 18-4 to decline to accept the BOG's

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