

SENATE BILL NO. 2148

Introduced by

Senators Nalewaja, LaFountain, Schobinger

Representative Sandvig

1 A BILL for an Act to amend and reenact subsections 3 and 4 of section 27-20-36 of the North
2 Dakota Century Code, relating to time limitations on court orders for children in foster care.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsections 3 and 4 of section 27-20-36 of the 1995
5 Supplement to the North Dakota Century Code are amended and reenacted as follows:

6 3. ~~An~~ For a child in foster care, an initial order of disposition ~~pursuant to which a child~~
7 ~~is placed in foster care continues~~ may not continue in force for ~~not~~ more than
8 eighteen months. Any other order of disposition ~~continues~~ may not continue in
9 force for ~~not~~ more than two years.

10 4. Except as provided in subsection 1, the court may ~~sooner~~ terminate an order of
11 disposition before the expiration of the order or extend its duration for further
12 periods. An order of extension may be made if:

13 a. A hearing is held ~~prior to~~ before the expiration of the order upon motion of a
14 party or on the court's own motion;

15 b. Reasonable notice of the hearing and opportunity to be heard are given to the
16 parties affected;

17 c. The court finds ~~that~~ the extension is necessary to accomplish the purposes of
18 the order extended; and

19 d. The extension does not exceed ~~eighteen~~ twelve months from the expiration of
20 an order limited by subsection 3 or two years from the expiration of any other
21 limited order. However, the court may order that the child permanently remain
22 in foster care with a specified caregiver and that the duration of the order be
23 left to the determination of the court if the court determines that:

- 1 (1) All reasonable efforts have been made to reunite the child with the
- 2 child's family;
- 3 (2) The deprivation is likely to continue;
- 4 (3) With respect to a child under the age of ten, termination of parental
- 5 rights and subsequent adoption would not be in the best interests of the
- 6 child; and
- 7 (4) The placement of the child in permanent foster care is in the best
- 8 interests of the child.