

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED 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 order of disposition pursuant to which a child is placed in foster care ~~continues~~
7 may not continue in force for ~~not~~ more than eighteen months. Any other order of
8 disposition ~~continues~~ may not continue in force for ~~not~~ more than two years.

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

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

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

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

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

23 (1) All reasonable efforts have been made to reunite the child with the
24 child's family;

- 1 (2) The deprivation is likely to continue;
- 2 (3) With respect to a child under the age of ten, termination of parental
- 3 rights and subsequent adoption would not be in the best interests of the
- 4 child; and
- 5 (4) The placement of the child in permanent foster care is in the best
- 6 interests of the child.