

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE BILL NO. 2148
(Senators Nalewaja, LaFountain, Schobinger)
(Representative Sandvig)

AN ACT to amend and reenact subsections 3 and 4 of section 27-20-36 of the North Dakota Century Code, relating to time limitations on court orders for children in foster care.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

3. An order of disposition pursuant to which a child is placed in foster care ~~continues~~ may not continue in force for ~~not~~ more than eighteen months. Any other order of disposition ~~continues~~ may not continue in force for ~~not~~ more than two years.
4. Except as provided in subsection 1, the court may ~~sooner~~ terminate an order of disposition before the expiration of the order or extend its duration for further periods. An order of extension may be made if:
 - a. A hearing is held ~~prior to~~ before the expiration of the order upon motion of a party or on the court's own motion;
 - b. Reasonable notice of the hearing and opportunity to be heard are given to the parties affected;
 - c. The court finds ~~that~~ the extension is necessary to accomplish the purposes of the order extended; and
 - d. The extension does not exceed ~~eighteen~~ twelve months from the expiration of an order limited by subsection 3 or two years from the expiration of any other limited order. However, the court may order that the child permanently remain in foster care with a specified caregiver and that the duration of the order be left to the determination of the court if the court determines that:
 - (1) All reasonable efforts have been made to reunite the child with the child's family;
 - (2) The deprivation is likely to continue;
 - (3) With respect to a child under the age of ten, termination of parental rights and subsequent adoption would not be in the best interests of the child; and
 - (4) The placement of the child in permanent foster care is in the best interests of the child.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2148.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 86 Nays 6 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State