

§4038-B. Permanency plans

1. Mandated permanency planning hearing. Unless subsequent judicial reviews are not required pursuant to section 4038, subsection 1-A, the District Court shall conduct a permanency planning hearing and shall determine a permanency plan within the earlier of:

A. Thirty days after a court order to cease reunification; and [PL 2005, c. 372, §6 (NEW).]

B. Twelve months after the time a child is considered to have entered foster care. A child is considered to have entered foster care on the date of the first judicial finding that the child has been subjected to child abuse or neglect or on the 60th day after removal of the child from home, whichever occurs first. [PL 2005, c. 372, §6 (NEW).]

[PL 2005, c. 372, §6 (NEW).]

2. Subsequent permanency planning hearings. Unless subsequent judicial reviews are not required pursuant to section 4038, subsection 1-A, the District Court shall conduct a permanency planning hearing within 12 months of the date of any prior permanency planning order.

[PL 2005, c. 372, §6 (NEW).]

3. Permanency planning orders. After each permanency planning hearing, the District Court shall adopt a permanency plan for a child that complies with subsection 4. The court shall enter the order within the time limitations contained in subsection 1 or 2, whichever is applicable to the permanency planning hearing.

[PL 2005, c. 372, §6 (NEW).]

4. Contents of permanency plan. A permanency plan for a child under this section must contain determinations on the following issues.

A. The permanency plan must determine whether and when, if applicable, the child will be:

(1) Returned to a parent. Before the court may enter an order returning the custody of the child to a parent, the parent must show that the parent has carried out the responsibilities set forth in section 4041, subsection 1-A, paragraph B; that to the court's satisfaction the parent has rectified and resolved the problems that caused the removal of the child from home and any subsequent problems that would interfere with the parent's ability to care for the child and protect the child from jeopardy; and that the parent can protect the child from jeopardy;

(2) Placed for adoption, in which case the department shall file a petition for termination of parental rights;

(3) Cared for by a permanency guardian, as provided in section 4038-C, or a guardian appointed by the Probate Court pursuant to Title 18-C, sections 5-204 to 5-206;

(4) Placed with a fit and willing relative; or

(5) Placed in another planned permanent living arrangement. The District Court may adopt another planned permanent living arrangement as the permanency plan for the child only after the department has documented to the court a compelling reason for determining that it would not be in the best interests of the child to be returned home, be referred for termination of parental rights or be placed for adoption, be cared for by a permanency guardian or be placed with a fit and willing relative. [PL 2017, c. 402, Pt. C, §65 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. In the case of a child placed outside the state in which the parents of the child live, the permanency plan must determine whether the out-of-state placement continues to be appropriate and in the best interests of the child. [PL 2005, c. 372, §6 (NEW).]

C. In the case of a child who is 14 years of age or older, the permanency plan must determine the services needed to assist the child to make the transition from foster care to independent living. [PL 2015, c. 381, §5 (AMD).]

D. The permanency plan must ensure that all in-state and out-of-state placements are considered to provide the child with all possible permanency options. [PL 2009, c. 557, §2 (NEW).]
[PL 2017, c. 402, Pt. C, §65 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

5. Wishes of child. The District Court shall consider the wishes of a child, in a manner appropriate to the age of the child, in making a determination under this section.
[PL 2009, c. 557, §3 (AMD).]

SECTION HISTORY

PL 2005, c. 372, §6 (NEW). PL 2009, c. 557, §§2, 3 (AMD). PL 2015, c. 381, §5 (AMD). PL 2017, c. 402, Pt. C, §65 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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