

§3315. Right to periodic review

1. Right to review. Every disposition pursuant to section 3314 and 3318-B, other than unconditional discharge, must be reviewed not less than once in every 12 months until the juvenile is discharged. The review must be made by a representative of the Department of Corrections unless the juvenile has been committed to the custody of the Commissioner of Health and Human Services, in which case such review must be made by a representative of the Department of Health and Human Services. A report of the review must be made in writing to the juvenile's parents, guardian or legal custodian. A copy of the report must be forwarded to the program or programs that were reviewed, and the department whose personnel made the review shall retain a copy of the report in their files. The written report must be prepared in accordance with subsection 2. When a juvenile is placed in the custody of the Commissioner of Health and Human Services, reviews and permanency planning hearings must be conducted in accordance with Title 22, section 4038. Title 22, sections 4005, 4039 and 4041 also apply.

[PL 2013, c. 234, §10 (AMD).]

2. Contents of review. The written report of each periodic review shall contain the following information:

A. A brief description of the services provided to the juvenile during the period preceding the review and the results of those services; [PL 1977, c. 520, §1 (NEW).]

B. An individualized plan for the provision of services to the juvenile for the next period; [PL 1977, c. 520, §1 (NEW).]

C. A statement showing that the plan imposes the least restricting alternative consistent with adequate care of the juvenile and protection of the community; and [PL 1977, c. 520, §1 (NEW).]

D. A certification that the services recommended are available and will be afforded to the juvenile. [PL 1977, c. 520, §1 (NEW).]

[PL 1977, c. 520, §1 (NEW).]

3. Court review of determination. Whenever a court makes a determination pursuant to section 3314, subsection 1, paragraph F or section 3314, subsection 2 that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and that continuation in the juvenile's home would be contrary to the welfare of the juvenile, that determination must be reviewed by the court not less than once every 12 months until the juvenile is discharged or no longer residing outside the juvenile's home. This review does not affect a juvenile's commitment to a Department of Corrections juvenile correctional facility.

A. A juvenile who has not attained 21 years of age must be represented by counsel at this review. [PL 2021, c. 326, §12 (NEW).]

B. If an appropriate treatment or appropriate and less restrictive placement is not being provided or offered to the juvenile, the court may order the Department of Corrections or the Department of Health and Human Services, or both, to demonstrate the reasonableness of the current treatment or placement provided or offered. [PL 2021, c. 326, §12 (NEW).]

[PL 2021, c. 326, §12 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §40 (AMD). PL 1983, c. 480, §B20 (AMD). PL 1995, c. 502, §F8 (AMD). PL 1997, c. 464, §2 (AMD). PL 1997, c. 752, §24 (AMD). PL 1999, c. 260, §A10 (AMD). PL 2001, c. 696, §6 (AMD). PL 2003, c. 503, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2013, c. 234, §10 (AMD). PL 2021, c. 326, §12 (AMD).

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