

§9-205. Review

1. Judicial review required; 18 months. The court shall conduct a judicial review if:

A. A child is not adopted within 18 months of the execution of a surrender and release; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. The adoption is not finalized within 18 months of the consent to an adoption by a parent or parents; or [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. A petition for adoption is not finalized within 18 months. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Determination whether adoption viable plan; review; plan; District Court. If, after judicial review under subsection 1, the court determines that adoption is still a viable plan for the child, the court shall schedule another judicial review within 2 years. If the court determines that adoption is no longer a viable plan, the court shall attempt to notify the parents, who must be given an opportunity to present an acceptable plan for the child. If either or both parents are able and willing to assume physical custody of the child, the court shall declare the surrender and release or the consent void.

If the parents are not notified or are unable or unwilling to assume physical custody of the child or if the court determines that placement of the child with the parents would constitute jeopardy as defined by Title 22, section 4002, subsection 6, the case must be transferred to the District Court for a hearing pursuant to Title 22, section 4038-A.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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