

§4037-A. Extended care

1. Extended care requirements. A person who is 18, 19, 20, 21 or 22 years of age and who attained 18 years of age while in the care and custody of the department may continue to receive care and support if the person:

- A. Is enrolled in secondary school or its equivalent or is enrolled in postsecondary or career and technical school; [PL 2011, c. 402, §5 (NEW).]
- B. Is participating in a program or activity that promotes employment or removes barriers to employment; [PL 2011, c. 402, §5 (NEW).]
- C. Is employed for at least 80 hours per month; or [PL 2011, c. 402, §5 (NEW).]
- D. Is found to be in special circumstances, including but not limited to being incapable of qualifying under paragraphs A to C due to a documented medical or behavioral health condition. [PL 2011, c. 402, §5 (NEW).]

[PL 2021, c. 714, §2 (AMD).]

2. Placement. A person who qualifies for care and support under this section may be placed in a supervised setting in which the person lives independently, in a foster home or in a group home.

[PL 2011, c. 402, §5 (NEW).]

3. Judicial review. The District Court shall hold a judicial review for each person who qualifies for care and support under this section at least once every 12 months. The court shall hear evidence and shall consider the original reason for the extended care and support of the person and the agreement of extended care and support between the department and the person. The court shall, after hearing or by agreement, make written findings, based on a preponderance of the evidence, that determine:

- A. The safety of the person in the person's placement; [PL 2011, c. 402, §5 (NEW).]
- B. The services needed to transition the person from extended care and support to independent living; and [PL 2011, c. 402, §5 (NEW).]
- C. The compliance of the parties to the agreement of extended care and support. [PL 2011, c. 402, §5 (NEW).]

In a judicial review order, the court may order either the department or the person or both to comply with the agreement of extended care and support but may not order the department to pay for a specific placement.

[PL 2011, c. 402, §5 (NEW).]

4. Termination; notice. A person receiving care and support under this section or the department may terminate the agreement of extended care and support without approval by the court. The department shall notify the court of the termination of extended care and support within 30 days of the termination.

[PL 2011, c. 402, §5 (NEW).]

5. Guardian ad litem; attorney. The appointments of the guardian ad litem and attorneys for the parents are terminated when a person receiving care and support under this section attains 18 years of age, and a new guardian ad litem or attorney may not be appointed for or on behalf of the person or the parents.

[PL 2011, c. 402, §5 (NEW).]

SECTION HISTORY

PL 2011, c. 402, §5 (NEW). PL 2021, c. 535, §1 (AMD). PL 2021, c. 714, §2 (AMD).

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