

§4004-A. Voluntary agreements

1. Agreement authorized. If the following conditions are met, the department and a custodian may enter into a mutual agreement in which the custodian retains custody of the child and the department agrees to provide services to the child.

A. The department finds that staying in the custodian's home would be detrimental to the welfare of the child. [PL 1993, c. 724, §1 (NEW).]

B. The department finds that, absent a mutual agreement, the child is at risk of entering the child protection system or the juvenile justice system. [PL 1993, c. 724, §1 (NEW).]
[PL 1993, c. 724, §1 (NEW).]

2. Agreement requirements. An agreement entered into pursuant to subsection 1 must meet the following requirements.

A. The agreement may not exceed 180 days unless, within the 180 days, the District Court has found that returning to the custodian's home would be detrimental to the welfare of the child. If the court has made that determination, the agreement may continue but must be reviewed by the court no more than 18 months after commencement of the agreement and at least every 2 years following the 18-month review. [PL 1993, c. 724, §1 (NEW).]

B. The agreement must specify the legal status of the child and the rights and obligations of the custodian, the child, the department and any other parties to the agreement. [PL 1993, c. 724, §1 (NEW).]

C. If the custodian is able to contribute resources to the care of the child, that contribution must be specified in the agreement. Resources include, but are not limited to, insurance coverage and disposable income. [PL 1993, c. 724, §1 (NEW).]

D. The agreement must be approved by the commissioner or the commissioner's designee. [PL 1993, c. 724, §1 (NEW).]
[PL 1993, c. 724, §1 (NEW).]

3. Additional parties. The Department of Corrections, the Department of Education and any other appropriate state agency may be additional parties to the agreement.
[PL 2011, c. 657, Pt. AA, §64 (AMD).]

4. Section 4022 not affected. This section does not apply to agreements entered into under section 4022.
[PL 1993, c. 724, §1 (NEW).]

5. Rules. The department may adopt rules to implement this section.
[PL 1993, c. 724, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 724, §1 (NEW). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §77 (COR). PL 2011, c. 657, Pt. AA, §64 (AMD).

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