

75.

(A) AFTER A CHILD HAS BEEN UNDER CONTINUOUS FOSTER CARE FOR A PERIOD OF ~~[[TWO]]~~ ~~[[THREE]]~~ TWO CONSECUTIVE YEARS UNDER THE CUSTODY OF AN AGENCY AUTHORIZED BY LAW TO MAKE PLACEMENTS, IT SHALL BE PRESUMED BY THE COURT THAT IT IS IN THE BEST INTERESTS OF THE CHILD TO AWARD TO THAT AGENCY A DECREE GRANTING GUARDIANSHIP WITH THE RIGHT TO CONSENT TO ADOPTION OR LONG TERM CARE SHORT OF ADOPTION, WITHOUT THE CONSENT OF THE NATURAL PARENT OR PARENTS[[,]] ; PROVIDED THAT NOTICE OTHERWISE REQUIRED BY LAW HAS BEEN GIVEN.

(B) THE COURT IN CONSIDERING EVIDENCE TO REBUT THIS PRESUMPTION, AMONG OTHER FACTORS, SHALL CONSIDER THE FOLLOWING:

(1) THE INTERACTION AND INTERRELATIONSHIP OF THE CHILD WITH HIS NATURAL AND FOSTER PARENT OR PARENTS, HIS SIBLINGS, AND ANY OTHER PERSON WHO MAY SIGNIFICANTLY AFFECT THE CHILD'S BEST INTERESTS;

(2) THE CHILD'S ADJUSTMENT TO HIS HOME, SCHOOL, AND COMMUNITY; AND

(3) THE MENTAL AND PHYSICAL HEALTH OF ALL INDIVIDUALS ~~[[INVOLVED]]~~ REFERRED TO IN SUBPARAGRAPH (1).

(C) ADDITIONALLY, IN ORDER TO REBUT THE PRESUMPTION, THE COURT SHALL REQUIRE SUBSTANTIAL PROOF THAT:

(1) THE NATURAL PARENT WILL BE ABLE TO RESUME HIS OR HER PARENTAL DUTIES WITHIN A REASONABLE PERIOD OF TIME; OR

(2) THE NATURAL PARENT HAS PLAYED A CONSTRUCTIVE ROLE IN THE CHILD'S WELFARE DURING THE TIME HE HAS BEEN IN FOSTER CARE.

IN EVALUATING THE PARENT'S ~~[[CONSTRUCTIVE]]~~ ROLE, THE COURT ~~[[SHALL]]~~ MAY CONSIDER, AMONG OTHER FACTORS, (1) THE FREQUENCY AND REGULARITY OF PERSONAL CONTACT WITH THE CHILD, (2) DEMONSTRATED LOVE AND AFFECTION, (3) PARENTAL ARRANGEMENT FOR THE CHILD'S FUTURE EDUCATION[[,]] AND FINANCIAL SUPPORT, BOTH IN RELATION TO THE PARENT'S MEANS. (D) NOTHING HEREIN SHALL PREVENT A CHILD UNDER FOSTER CARE FROM BEING ADOPTED PURSUANT TO SECTION 74 EVEN IF THE PERIOD OF CONTINUOUS FOSTER CARE IS LESS THAN TWO CONSECUTIVE YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 7, 1973.

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