

FOR the purpose of ~~changing-these-instances-in-which-the local-department-of-social-services-shall-obtain-a certain-court-order~~, permitting the use of reasonable force to gain entry to certain premises; permitting removal of a child from a household without-prior judicial-approval under certain circumstances and pursuant to a court order; providing for judicial review of such a removal; and clarifying language.

BY repealing and reenacting, with amendments,

Article 72A - Parent and Child  
Section 8(d)  
Annotated Code of Maryland  
(1978 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 72A - Parent and Child

8.

(d) (1) If, in the course of the investigation conducted by the local department of social services pursuant to subsection (a), a representative of the department has probable cause to believe a child is in serious physical danger or that an emergency exists, ~~OR-IS DENIED-THE-RIGHT-OF-ENTRY~~, the department shall [seek] OBTAIN a court order for a representative of the department to enter the household to ascertain the condition of the child AND REMOVE THE CHILD, IF CONDITIONS WARRANT. A law enforcement officer shall accompany the representative in carrying out the court order AND HE MAY USE REASONABLE FORCE TO ASSURE THAT THE REPRESENTATIVE IS ABLE TO GAIN ENTRY. [The representative and the law enforcement officer shall report their findings to the court, and if the court orders, the child shall be removed.]

(2) IF THE REPRESENTATIVE ASCERTAINS--THE--CHILD TO--BE AND THE LAW ENFORCEMENT OFFICER AGREE THAT THE CHILD IS IN SERIOUS PHYSICAL DANGER, OR THAT AN EMERGENCY EXISTS, THE REPRESENTATIVE MAY REMOVE THE CHILD FROM--THE--HOUSEHOLD TEMPORARILY--WITHOUT--PRIOR--APPROVAL--BY--THE--JUVENILE COURT THEY MAY REMOVE THE CHILD PURSUANT TO THE ORDER OBTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION. IF THE CHILD IS REMOVED, A REVIEW OF ACTION TAKEN SHALL BE CONDUCTED AS PROVIDED--IN--SECTION--3-815--OF--THE--COURTS--AND--JUDICIAL PROCEEDINGS-ARTICLE, BY THE JUVENILE COURT ON THE NEXT COURT DAY, UNLESS EXTENDED BY THE COURT UPON GOOD CAUSE SHOWN.

(3) IN ALL OTHER CASES, THE REPRESENTATIVE AND THE LAW ENFORCEMENT OFFICER SHALL REPORT THEIR FINDINGS TO THE COURT, AND IF THE COURT ORDERS, THE CHILD SHALL BE REMOVED.