

As to the duty of a local department if a child for whom Aid to Families with Dependent Children is sought or is being paid is suspectedly neglected, see Article 88A, § 48A of the Code.

Defined terms: "Local department" § 5-701
"Neglected child" § 5-701

5-706. JUDICIAL REMEDIES; SERVICES BY LOCAL DEPARTMENT.

(A) COURT ORDER TO ENTER HOUSEHOLD AND REMOVE NEGLECTED CHILD.

IF A REPRESENTATIVE OF ANY LOCAL DEPARTMENT IS CONDUCTING AN INVESTIGATION UNDER THIS SUBTITLE AND HAS PROBABLE CAUSE TO BELIEVE THAT A CHILD IS IN SERIOUS PHYSICAL DANGER OR THAT AN EMERGENCY EXISTS, THE LOCAL DEPARTMENT SHALL SEEK A COURT ORDER THAT PERMITS A REPRESENTATIVE OF THE LOCAL DEPARTMENT:

(1) TO ENTER THE HOUSEHOLD TO DETERMINE THE CONDITION OF THE CHILD; AND

(2) TO REMOVE THE CHILD, IF CONDITIONS WARRANT.

(B) ENTRY OF HOUSEHOLD; REMOVAL OF CHILD.

(1) A POLICE OFFICER SHALL ACCOMPANY THE REPRESENTATIVE IN CARRYING OUT THE ORDER AND MAY USE REASONABLE FORCE TO ENABLE THE REPRESENTATIVE TO GAIN ENTRY.

(2) THE REPRESENTATIVE AND THE POLICE OFFICER MAY REMOVE THE CHILD IF THEY AGREE THAT:

(I) THE CHILD IS IN SERIOUS PHYSICAL DANGER; OR

(II) AN EMERGENCY EXISTS.

(C) REVIEW OF REMOVAL OF CHILD; REPORT OF FINDINGS.

(1) IF THE REPRESENTATIVE AND THE POLICE OFFICER REMOVE THE CHILD, THE COURT SHALL CONDUCT A REVIEW OF THE ACTION TAKEN ON THE NEXT COURT DAY, UNLESS THE COURT POSTPONES THE REVIEW FOR GOOD CAUSE SHOWN.

(2) IF THE REPRESENTATIVE AND THE POLICE OFFICER DO NOT REMOVE THE CHILD, THE REPRESENTATIVE AND THE POLICE OFFICER SHALL REPORT THEIR FINDINGS TO THE COURT AND, IF THE COURT ORDERS THE REMOVAL OF THE CHILD, THE CHILD SHALL BE REMOVED.

(D) LOCAL DEPARTMENT TO PROVIDE SERVICES.

(1) BASED ON THE FINDINGS AND TREATMENT PLAN OF THE LOCAL DEPARTMENT, THE LOCAL DEPARTMENT SHALL ASSURE THAT SERVICES ARE PROVIDED THAT ARE IN THE BEST INTERESTS OF THE CHILD.