

Article - Courts and Judicial Proceedings

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§3-820.

(a) After a CINA disposition, when the court has ordered a specific placement of a child, a local department may remove the child from that placement prior to a hearing only if:

(1) Removal is required to protect the child from serious immediate danger;

(2) The child's continued placement in the court-ordered placement is contrary to the welfare of the child; or

(3) The person or agency with whom the child is placed has requested the immediate removal of the child.

(b) (1) Before removal or, if not possible, immediately after removal, the local department shall notify all parties, counsel, and the court of the removal of the child.

(2) The local department shall provide the address and phone number of the child's new placement to the child's counsel.

(c) (1) If the child is not returned to the court-ordered placement, the local department shall immediately file a motion to authorize the removal of the child and the child's new placement.

(2) The motion shall set forth:

(i) The facts on which the local department relied in removing the child; and

(ii) The identity of each witness.

(d) (1) The court shall hold an emergency review placement hearing on the motion not later than the next day on which the circuit court is in session.

(2) All parties shall be given reasonable notice of the hearing.

(e) At the emergency review placement hearing, the court's decision to reject or to ratify the local department's removal of the child shall be based upon such evidence as would be sufficient under § 3-815(d) of this subtitle to order shelter care.

(f) (1) Unless all parties agree to the court's order at the emergency review placement hearing, the court, at that hearing, shall schedule a regular review hearing within 30 days after the emergency review hearing for a full hearing on the merits of the local department's action.

(2) At the full hearing on the merits, the rules of evidence under Title 5 of the Maryland Rules shall apply.

(3) The hearing may be postponed by agreement of the parties or for good cause shown.

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