

Article - Courts and Judicial Proceedings

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§3-809.

(a) On receipt of a complaint from a person or agency having knowledge of facts which may cause a child to be subject to the jurisdiction of the court under this subtitle, the local department shall file a petition under this subtitle if it concludes that the court has jurisdiction over the matter and that the filing of a petition is in the best interests of the child.

(b) Within 5 days after reaching a decision not to file a petition, the local department shall inform in writing the following persons of the decision and the reasons for the decision:

(1) A child over the age of 10 who would have been the subject of the petition, if appropriate;

(2) The parent, guardian, or custodian of the child who would have been the subject of the petition; and

(3) Each person or agency that requested that a petition be filed.

(c) Within 15 days after notice that a local department has decided not to file a petition, the person or agency that requested that a petition be filed may request review by the Secretary of Human Resources.

(d) Within 15 days after a request for review is received, the Secretary of Human Resources or the Secretary's designee, in consultation with the director of the local department, shall review the report and may direct the local department to file a petition within 5 days.

(e) If the Secretary of Human Resources or the Secretary's designee refuses to direct the local department to file a petition, the person or agency that filed the complaint under subsection (a) of this section or caused it to be filed may file the petition.

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