

Article - Family Law

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§5-706.2.

(a) (1) A local department or a law enforcement agency may receive a report under § 5-704.1 of this subtitle that a child is at substantial risk of sexual abuse.

(2) If a law enforcement agency receives the report, the law enforcement agency shall immediately refer the report to the local department.

(3) The Secretary of Human Resources shall adopt regulations governing:

(i) how staff in a local department should elicit information when receiving a report under § 5-704.1 of this subtitle; and

(ii) the definition of substantial risk of sexual abuse as used in this subtitle.

(b) (1) Except as provided in paragraph (3) of this subsection, after confirming that the allegations in the report regarding the individual's history are accurate and that there is specific information that the child is at substantial risk of sexual abuse, the local department shall make a thorough investigation to protect the health, safety, and welfare of any child or children who may be at substantial risk of sexual abuse.

(2) The local department shall conduct the investigation jointly with an appropriate law enforcement agency.

(3) If a subsequent report is received regarding an individual with a history of sexual abuse that alleges substantially the same facts as a report that the local department has previously investigated, the local department may decline to make an investigation of the subsequent report.

(c) Within 5 days after receiving the report, the local department and the appropriate law enforcement agency shall:

(1) see the child in person;

(2) attempt to have an on-site interview with the child's caregiver and the individual identified in the report as an individual registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child;

(3) decide on the safety and level of risk to the child, wherever the child is, and of other children in the household; and

(4) decide on the safety and level of risk of other children in the care or custody of the individual identified in the report as an individual registered under Title

11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child.

(d) To the extent possible, an investigation under this section shall be completed as soon as practicable but not later than 30 days after receipt of the report.

(e) As part of the investigation, the local department shall:

(1) determine whether the child is safe;

(2) determine whether sexual abuse of the child has occurred;

(3) if appropriate, offer services to the family; and

(4) immediately decide whether to file a petition alleging that the child is in need of assistance.

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