Article - Family Law

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§5–706.1.

(a) Within 30 days after the completion of an investigation in which there has been a finding of indicated or unsubstantiated abuse or neglect, the local department shall notify in writing the individual alleged to have abused or neglected a child:

(1) of the finding;

(2) of the opportunity to appeal the finding in accordance with this section; and

(3) if the individual has been found responsible for indicated abuse or neglect, that the individual may be identified as responsible for abuse or neglect in the centralized confidential database under the circumstances specified in § 5–714(d) of this subtitle.

(b) (1) In the case of a finding of indicated abuse or neglect, an individual may request a contested case hearing to appeal the finding in accordance with Title 10, Subtitle 2 of the State Government Article by responding to the notice of the local department in writing within 60 days.

(2) Unless the individual and the department agree on another location, a contested case hearing shall be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides.

(3) (i) If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall stay the hearing until a final disposition is made.

(ii) If after final disposition of the criminal charge, the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall dismiss the administrative appeal.

(4) (i) If a CINA case is pending concerning a child who has been allegedly abused or neglected by the appellant or a child in the care, custody, or household of the appellant, the Office of Administrative Hearings shall stay the hearing until the CINA case is concluded.

(ii) After the conclusion of the CINA case, the Office of Administrative Hearings shall vacate the stay and schedule further proceedings in accordance with this section.

(c) (1) In the case of a finding of unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice of the local department in writing within 60 days.

(2) In response to a timely request for a conference, a local department supervisor shall schedule a conference, to occur within 30 days after the supervisor receives the request, to allow the individual an opportunity to review the redacted record and request corrections or to supplement the record.

(3) Within 10 days after the conference, the local department shall send to the individual:

(i) a written summary of the conference and of any modifications to be made in the record; and

(ii) notice of the individual's right to request a contested case hearing in accordance with paragraph (4) of this subsection.

(4) (i) The individual may request a contested case hearing in accordance with subsection (b) of this section to appeal the outcome of the conference by responding to the summary in writing within 60 days.

(ii) If the individual does not receive the written summary and notice specified in paragraph (3) of this subsection within 20 days, the individual may request a contested case hearing.

(iii) An individual may request a contested case hearing in the case of a finding of unsubstantiated abuse or neglect only as provided in this paragraph.

(d) In the case of an unexpunged finding of indicated or unsubstantiated abuse or neglect made prior to June 1, 1999, the local department shall provide the individual with an opportunity to appeal the finding in accordance with this section if the individual:

(1) requests such an appeal;

(2) has not been offered an opportunity to request a contested case hearing; and

(3) has not been found guilty of any criminal charge arising out of the alleged abuse or neglect.

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