

The phrase "local department or a licensed child placement agency" is substituted for the former phrase "agency or local board", for clarity.

The reference to "the administrative appellate authority designated by rule or regulation" is substituted for the former reference to the "State Department of Social Services", to conform to practice.

See also § 5-506(c) of this subtitle.

Defined term: "License" § 5-501

5-518. JUDICIAL REVIEW.

(A) IN GENERAL.

A PERSON AGGRIEVED BY A FINAL DECISION OF THE HIGHEST ADMINISTRATIVE APPELLATE AUTHORITY IN A CONTESTED CASE MAY TAKE ANY FURTHER APPEAL AS ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: This subsection, which is substituted for former Article 88A, § 26(b), (c), and (d), is new language based on the requirements of the Administrative Procedure Act.

This subsection conforms to the Administrative Procedure Act, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the Administrative Procedure Act definition of "contested case" in Article 41, § 244 of the Code).

(B) EFFECT OF APPEAL.

IF A FURTHER APPEAL IS TAKEN UNDER THIS SECTION:

(1) ANY CRIMINAL PROSECUTION OF THE PERSON FOR CARRYING ON WITHOUT A LICENSE AN ACTIVITY FOR WHICH THE PERSON MUST BE LICENSED UNDER THIS SUBTITLE SHALL BE STAYED PENDING THE APPEAL;

(2) ANY INJUNCTION AGAINST THE PERSON FOR CARRYING ON WITHOUT A LICENSE AN ACTIVITY FOR WHICH THE PERSON MUST BE LICENSED UNDER THIS SUBTITLE SHALL BE STAYED PENDING THE APPEAL;
AND

(3) THE COURT HAS DISCRETION AS TO THE CARE, CUSTODY, OR CONTROL OF ANY CHILD WHOSE CARE, CUSTODY, OR CONTROL IS THE RESPONSIBILITY OF THE PERSON.